

**EXPLANATION  
OF THE  
RULE  
OF THE  
FRIARS MINOR**



**Rev. John Ilg, O. F. M.**

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S<sup>t</sup> Francis of Assisi.  
My God and my All!



# An Explanation of the Rule

OF THE FRIARS MINOR

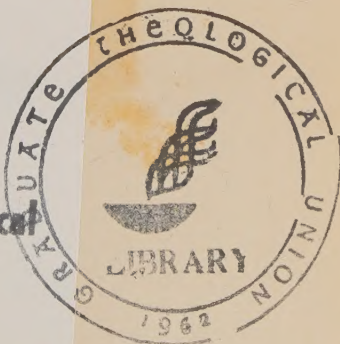
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## PREFACE

The following explanation of the Rule of the Friars Minor, with all its shortcomings, will, it is hoped, fill a real want until a more satisfactory work of this kind is written by abler hands.

According to the General Constitutions an approved exposition of our holy Rule must be read annually at table in the vernacular. What else could be the purpose of this ordinance, but to keep the mind and memory alive to the obligatory points of the Rule and thus to forestall transgressions thereof under the false plea of ignorance?

Ignorance of the Rule, then, is a sorry excuse for leading a life at variance with its sacred obligations. The same truth applies with equal force to the General Constitutions, which interpret the *spirit* of the Rule. In other and plainer words: Every Friar Minor in virtue of his profession is bound under mortal sin to strive for religious perfection according to the norm of his Rule and general constitutions. Perfection is the prescribed end or goal, observance of the Rule and constitutions is the prescribed means thereto. Now, an earnest and faithful use of the means presupposes sufficient knowledge of their nature and binding force. "Nihil volitum, nisi praecognitum." "Nothing is earnestly desired, unless it is previously known."

Hence the duty of every Friar Minor to *know* his Rule as explained by approved authors according to the basic declarations of Nicholas III, Clement V and other Popes. If points of importance in the Rule have

escaped his memory, which is quite human, he must read them up again. Otherwise he will culpably fail of his duty to observe the Rule with exactness and fidelity.

The following explanatory treatise on the Rule is offered to the friars as a guide on the way of perfection according to the ideals of our holy Father, St. Francis.

Hearty thanks are hereby tendered to all who by helpful suggestions, corrections of the manuscript, and otherwise, have so kindly aided in getting out this little work. Any further suggestions for a more perfect edition at some future opportunity will be cordially welcomed by

**THE AUTHOR.**

**FRANCISCAN NOVITIATE,**

**Teutopolis, Illinois.**



# **The Rule of The Friars Minor**

## **BULL OF HIS HOLINESS POPE HONORIUS III ON THE RULE OF THE FRIARS MINOR**

Honorius, Bishop, Servant of the servants of God, to the beloved sons, Friar Francis and the other friars of the Order of Friars Minor, health and Apostolic Benediction. The Apostolic See is wont to comply with the pious wishes and to bestow a benevolent regard on the laudable desires of petitioners. Wherefore beloved children in the Lord, moved by your pious prayers We, in virtue of the Apostolic authority, confirm, and by these letters present, sanction with our protection, the Rule of your Order, approved by Pope Innocent, our Predecessor of happy memory. Which Rule is as follows:

### **CHAPTER I**

#### **In the Name of the Lord Beginneth the Life of the Friars Minor.**

The Rule and life of the Friars Minor is this, namely, to observe the holy Gospel of our Lord Jesus Christ by living in obedience, without property and in chastity. Friar Francis promises obedience and reverence to the Lord Pope Honorius and to his successors canonically elected and to the Roman Church. And the other friars are bound to obey Friar Francis and his successors.

### **CHAPTER II**

#### **Of Those who wish to Embrace this Life and how they ought to be Received.**

If any wish to embrace this life and come to our friars, let them send them to their provincial minis-

ters, to whom only, and to none others the power of receiving friars is granted. But the ministers must examine them diligently on the Catholic faith and the Sacraments of the Church. And if they believe all these things, and wish faithfully to profess them and firmly to observe them to the end; and provided that they have no wives, or, if they have, that their wives have already entered a convent, or that they have given their consent, with the authority of the bishop of the diocese, having already taken the vow of chastity: and that their wives be of such an age that no suspicion may arise concerning them; let them say to them the words of the holy Gospel, that they go and sell all their goods and take care to distribute them to the poor. Which if they cannot do, their good will suffices. And the friars and their ministers must take care not to be solicitous about their temporal goods, that they may freely do with their goods whatsoever the Lord may inspire them. If, however, there be need of advice, the ministers shall have the power to send them to some persons who fear God by whose counsel let their goods be distributed to the poor. Afterwards, they may give them clothes of probation, to wit, two tunics without a hood and a cord and drawers and a caperon reaching to the cord, unless at some time the same ministers may decide otherwise according to God. But, the year of probation being finished, let them be received to obedience, promising to observe this life and rule forever. And by no means will it be lawful for them to leave this Religion according to the command of the Lord Pope, because according to the holy Gospel: *No man putting his hand to the plough and looking back is fit for the Kingdom of God.* And let those who have already promised obedience have one tunic with a hood, and those who wish may have another without a hood. And those who are obliged by necessity may wear shoes. And let all the friars be clothed in poor garments; and they may patch them



with sackcloth and other pieces, with the blessing of God. Whom I admonish and exhort not to despise nor judge men whom they see clothed in soft and fine garments using choice food and drink, but rather let each one judge and despise himself.

### CHAPTER III

#### **Of the Divine Office, and Fasting; and how the Friars should go through the World.**

Clerics shall recite the Divine Office according to the order of the holy Roman Church, except the psalter; wherefore they may have breviaries. But laics shall say twenty-four Our Fathers for Matins; five for Lauds; for Prime, Tierce, Sext and None, for each of these, seven; for Vespers, however, twelve, for Compline seven; and let them pray for the dead.

And they shall fast from the feast of All Saints to the Nativity of the Lord. But the holy Lent which begins from Epiphany and continues for forty days, which the Lord has consecrated by His holy fast,—may those who keep it voluntarily be blessed by the Lord and those who do not wish may not be obliged. But they must fast during the other to the Resurrection of the Lord. At other times, however, they shall not be obliged to fast, except on Fridays. But in time of manifest necessity the friars shall not be bound to corporal fasting.

And I counsel, admonish, and exhort my friars in the Lord Jesus Christ that when they go through the world they neither quarrel nor contend in words, nor judge others; but let them be gentle, peaceful, and modest, meek and humble, speaking uprightly to all as it becometh. And they must not ride on horseback unless compelled by manifest necessity or infirmity. Into whatsoever house they may enter let them first say: Peace be to this house! And, according to the holy Gospel, it is lawful to eat of all food placed before them.

## CHAPTER IV

### **That the Friars should not receive Money.**

I strictly enjoin on all the friars that in no wise they receive coins or money, either themselves or through an interposed person. Nevertheless, for the necessities of the sick and for the clothing of the other friars, let the ministers only and custodes take watchful care through spiritual friends, according to places and times and cold climates, as it may seem to them expedient in the necessity, saving always that, as has been said, they receive neither coins nor money.

## CHAPTER V

### **Of the Manner of Working.**

Those friars to whom the Lord has given the grace of working should labor faithfully and devoutly so that in banishing idleness, the enemy of the soul, they do not extinguish the spirit of holy prayer and devotion, to which all temporal things should be subservient. But for the recompense of their labor, they may receive for themselves and their friars the necessities of the body, except coins or money; and this humbly, as becometh the servants of God and the followers of most holy Poverty.

## CHAPTER VI

### **That the Friars Appropriate nothing to themselves; and of seeking Alms and of the Sick Friars.**

The friars shall appropriate nothing to themselves, neither a house nor place nor anything. And as pilgrims and strangers in this world, serving the Lord in poverty and humility, let them go confidently for alms; nor should they be ashamed, because the Lord made Himself poor for us in this world. This is the sublimity of the highest poverty which has made you, my dearest brothers, heirs and kings of the Kingdom of

Heaven: poor in goods, but exalted in virtue. May this be your portion, which leads to the land of the living; to which, my dearest brothers, wholly attached, you should never desire to possess anything else under heaven for the Name of our Lord Jesus Christ.

And wherever the friars are and meet other friars, let them show to one another that they are of the same household. And let one make known his needs with confidence to the other; for, if a mother love and nourish her carnal child, how much more earnestly should not one love and nourish his spiritual brother! And if any of them should fall into illness, the other friars should serve him as they would wish to be served themselves.

## CHAPTER VII

### **Of the Penance to be Imposed on Friars who Sin.**

If any of the friars, at the instigation of the enemy, sin mortally, for those sins concerning which it has been ordained among the friars that they should have recourse solely to their Provincial Ministers, the aforesaid friars are bound to have recourse to them as soon as possible, without delay. But the ministers, if they are priests, should with mercy enjoin penance upon them; if, however, they are not priests, they should see that it be enjoined by other priests of the Order, as it may seem to them most expedient, according to God. And they shall beware of becoming angry or troubled on account of any one's sin, because anger and excitement in themselves and in others hinder charity.

## CHAPTER VIII

### **Of the Election of the Minister General of this Fraternity, and of the Chapter of Pentecost.**

All the friars are bound always to have one of the friars of this religion as Minister General and servant of the whole Fraternity, and they are strictly bound to



obey him. At his death the election of a successor is to be made by the Provincial Ministers and Custodes in the Chapter of Pentecost, in which the Provincial Ministers are always bound to assemble, wheresoever it may be appointed by the Minister General, and this once in three years or at a longer or shorter interval as it shall have been ordained by the said minister. And if at any time it should be apparent to the whole of the Provincial Ministers that the aforesaid Minister General is not competent for the service and the common welfare of the friars, the aforesaid ministers, to whom the election is committed, are bound to elect for themselves another as custos in the name of the Lord. But after the Chapter of Pentecost the ministers and custodes may each, if they wish, and it seem expedient to them, convoke their friars to a chapter in their custodies once in the same year.

## CHAPTER IX

### Of Preachers.

The friars must not preach in the diocese of any bishop where it may have been forbidden them by him. And none of the friars must by any means dare to preach to the people, unless he shall have been examined and approved by the Minister General of this Fraternity, and the office of preaching conceded to him by the same. I also admonish and exhort the same friars, that in the preaching they do, their discourse be chaste and examined for the utility and edification of the people, announcing to them vices and virtues punishment and glory, with brevity of speech because the Lord made His word short upon earth.

## CHAPTER X

### Of the Admonition and Correction of the Friars.

The friars who are ministers and servants of the other friars, shall visit and admonish their friars, and

shall humbly and charitably correct them, not commanding them anything against their conscience and our Rule. The friars, however, who are subject must remember that, for God's sake, they have renounced their own will. Wherefore I firmly command them to obey their ministers in all things which they have promised the Lord to observe and are not against their conscience and our Rule. And wheresoever there are friars who know and feel that they are not able to observe the rule spiritually, they ought to and can recur to their ministers. But the ministers should receive them charitably and kindly and show so great familiarity towards them, that they may speak and act with them as masters with their servants; for thus it ought to be, that the ministers be the servants of all the friars.

I also admonish and exhort the friars in the Lord Jesus Christ that they beware of all pride, vainglory, envy, covetousness, the cares and solitudes of this world, of detraction and murmuring; and those who are ignorant of letters should not be anxious to learn, but strive above all things to have the spirit of the Lord and His holy operation, to pray always to Him with a pure heart and to have humility, patience in persecution and in infirmity and to love those who persecute, reprehend, and blame us, because the Lord says: *Love your enemies—and pray for them that persecute and calumniate you. Blessed are they that suffer persecution for justice' sake, for theirs is the Kingdom of Heaven. But he that shall persevere unto the end, he shall be saved.*

## CHAPTER XI

**That the Friars must not enter the Monasteries of Nuns.**

I strictly command all the friars not to have suspicious intimacies, or conferences with women, and let

none enter the monasteries of nuns except those to whom special permission has been granted by the Apostolic See. Nor must they become sponsors of men or women, lest scandal arise on this account amongst or concerning the friars.

## CHAPTER XII

### **Of those who go among the Saracens and other Infidels.**

Whosoever of the friars by divine inspiration desire to go amongst the Saracens or other infidels must ask leave therefore from their Provincial Ministers. But the ministers must give permission to go to none except to those whom they see are fitted to be sent.

And this, moreover, I enjoin on the ministers, by obedience, that they ask of the Lord Pope one of the Cardinals of the Holy Roman Church to be governor, protector, and corrector of this Fraternity, that always subject and submissive at the feet of the same holy Church, firm in the Catholic faith, we may observe the poverty and humility and the holy Gospel of our Lord Jesus Christ, which we have firmly promised.

To no one, therefore, be it allowed to infringe on this page of our confirmation or to oppose it with rash temerity. But if any one shall have presumed to attempt this, be it known to him that he will incur the indignation of Almighty God and of His holy Apostles Peter and Paul.

Given at the Lateran, on the 29th of November, in the 8th year of Our Pontificate.

### **Testament of Our Holy Father St. Francis.**

In the name of the Lord beginneth the Testament of our Seraphic Father St. Francis. The Lord gave to me, Brother Francis, thus to begin to do penance; for when I was in sin it seemed to me exceedingly bitter to look upon lepers and the Lord Himself led me amongst them and I showed mercy to them. And when



I withdrew from them, that which seemed bitter to me was turned for me into sweetness of soul and body. And afterwards I remained a little and I left the world. And the Lord gave me such faith in His churches that I was wont thus simply to adore and say: *We adore Thee most holy Lord Jesus Christ here and in all Thy churches which are in the whole world, and we bless Thee because by Thy holy cross Thou hast redeemed the world.*

And afterwards the Lord gave me so great faith in priests who live according to the form of the holy Roman Church, on account of their order, that if they were to persecute me, I should wish to have recourse to them. And if I should have as great wisdom as Solomon had, and I should find poor priests of this world I do not wish to preach against their will in the parishes in which they live. And I wish to fear, love, and honor them and all others as my masters; and I do not wish to consider sin in them, because I discern the Son of God in them and they are my masters. And I do this because in this world, I see nothing bodily of the most high Son of God Himself except His most sacred Body and His most holy Blood, which they consecrate and which they alone administer to others. And these most holy mysteries I wish above all things to be honored and venerated and to be placed in precious places. And His most holy names and written words, wherever I shall find them in unfit places, I wish to gather up; and I ask that they be gathered up and put in a becoming place. And we should honor and venerate all theologians and those who announce to us the most holy Divine Words as those who minister to us spirit and life.

And after the Lord gave me some friars, no one showed me what I should do, but the Most High Himself revealed to me that I should live according to the form of the holy Gospel. And I caused it to be written in few and simple words, and the Lord Pope

confirmed it for me. And those who came to receive this life gave to the poor all that they might have had. And they were content with one tunic mended, within and without (who so wished), with a cord and drawers, and we wished to have nothing more.

We clerics said the Office like other clerics; the lay-brothers said the Lord's prayer. And we very willingly remained in poor and abandoned churches; and we were simple and subject to all. And I labored with my hands and I wish to labor and I wish firmly that all the other friars labor in work that pertains to honesty. And those who do not know how, should learn, not with the desire of receiving the price of labor but for the sake of good example and to repel idleness. And when the price of labor is not given us, let us have recourse to the table of the Lord, begging alms from door to door.

The Lord revealed to me this salutation, that we should say: *The Lord give thee peace.* And the friars should take care not to receive on any account churches, poor dwellings, and all other things that are constructed for them, unless they are as is becoming holy poverty which we have promised in the Rule, always dwelling therein as strangers and pilgrims.

I firmly command all the friars in virtue of obedience that, wherever they are, they presume not to ask any letter at the Court of Rome, either themselves or by means of some interposed person; neither for a church nor any place; neither under the pretext of preaching, nor on account of the persecution of their bodies; but, wherever they are not received, let them flee into another land to do penance, with the blessing of God. And I firmly wish to obey the Minister General and that guardian whom it may please him to give me. And I thus wish to be captive in his hands so that I cannot go or act beyond his will because he is my master. And although I am simple and infirm, nevertheless, I wish always to have a cleric who may

perform the office for me as contained in the Rule.

And all the friars are bound in virtue of obedience to obey their guardians and to perform the office according to the Rule. And those who may be found not performing the office according to the Rule and wishing to vary it after another manner, or who are not Catholics, all the friars, wherever they are, are bound in virtue of obedience, that wherever they shall find any one of these same, they ought to present him to the nearest custos of that place where they shall find him. And the custos is bound in virtue of obedience to guard him strongly as a man in chains day and night so that he cannot be rescued from his hands until he shall personally deliver him into the hands of his minister. And the minister is firmly bound in virtue of obedience to send him by such friars who will day and night guard him, as a man in chains until they shall present him to the Lord of Ostia, who is the master, protector, and corrector of this Fraternity.

And let not the friars say: This is another Rule; for this is a remembrance, admonition, and exhortation and my Testament which I, Brother Francis, your least one, make to you, my blessed brothers, to the end that we may observe in a more Catholic way the Rule which we have promised the Lord. And the Minister General and all the other ministers and custodes are bound in virtue of obedience, not to add to these words or to take from them. And let them always have this writing with them beside the Rule. And in all the Chapters they hold, when they read the Rule let them read these words also. And I firmly command all my friars, clerics, and laics, in virtue of obedience, that they put no gloss on the Rule or on these words saying: thus they ought to be interpreted. But as the Lord granted me, purely and simply, to declare and write the Rule, and these words, in like manner may you understand them simply and purely without gloss, and with the Divine assistance observe them to the end,



### **Blessing of Our Holy Father St. Francis.**

And whoever shall observe these things may he be filled in heaven with the blessing of the Most High celestial Father and may he be filled on earth with the blessing of His beloved Son together with the Holy Ghost, the Paraclete, and all the Powers of heaven and all the Saints. And I, Brother Francis, your little one and servant, in so far as I am able, confirm to you within and without this most holy blessing. Amen.

### **Exhortation of Our Holy Father St. Francis.**

O dearly beloved brethren and eternally blessed children, hear me, hear the voice of your Father. Great things have we promised, still greater are promised to us. Let us keep the former, let us strive for the latter. Pleasure is short, punishment eternal. Suffering is small, glory without measure. Many are called, few are chosen; to all shall retribution be made. Amen.

### **Curse of Our Holy Father St. Francis.**

By Thee, Most Holy Father, and by the whole heavenly court and by me poor little one may those be cursed who by their bad example tear down and bring to ruin what Thou hast built up and dost not cease to build up through holy brethren of this Order.

## BULL OF POPE HONORIUS III ON THE RULE OF THE FRIARS MINOR

Honorius, Bishop, Servant of the servants of God, to the beloved sons, Friar Francis and the other friars of the Order of Friars Minor, health and Apostolic Benediction.

The Apostolic See is wont to comply with the pious wishes and to bestow a benevolent regard on the laudable desires of petitioners. Wherefore, beloved children in the Lord, moved by your pious prayers, We, in virtue of the Apostolic authority, confirm, and by these letters present, sanction with our protection, the Rule of your Order, approved by Pope Innocent, our Predecessor of happy memory. Which Rule is as follows, etc.

### INTRODUCTION

1 The general norm of perfection for persons consecrated to God in the religious state is the Rule of their community. The Rule regulates their manner of life by prescribing the means which they are bound to observe in accordance with the evangelical counsels, and thus enables them to attain more efficaciously, the end proper to their holy institute.

Before the rules of the religious, however, can be considered a safe norm of evangelical perfection, they must first be approved by the Church. "It is for the Church to judge whether or not a form of life is in accord with evangelical holiness; and it is also hers to constitute a religious body, establish its powers and sanction all its obligations."<sup>1</sup> A simple religious congregation requires at least the approbation of the bishop; but a religious order properly so-called, such

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<sup>1</sup>Cotel, S. J., *Catechism of the Vows*, p. 27, n. 19.

as the Order of Friars Minor, must receive the approbation of the supreme authority in the Church, as vested in the Pope. Such a direct sanction was given to our holy Rule, as is evident from the aforementioned Bull of Honorius III.

2 The Pope refers to a previous approbation of the Rule by his predecessor Innocent III, which is none other than the original draft of the Rule made by the holy Patriarch about the year 1210, when the Order was still in its infancy. "The servant of Christ," says St. Bonaventure, "seeing that the number of friars was gradually increasing, wrote for himself and for them a form of life in simple words, laying as its inviolable foundation the observance of the Holy Gospel and adding a few other things which seemed necessary for uniformity of life".<sup>1</sup> "The exact nature of these regulations", says Fr. H. Felder, "cannot be determined; but it is certain that the main body of the primitive rule comprised the texts relating to the sending of the apostles, in which Christ demanded of them absolute poverty and renunciation of the world".<sup>2</sup> This is the Rule which Pope Innocent III approved *viva voce* for Francis and his first disciples.

When the Rule in its original form was presented to Pope Innocent III for approbation, some of the assembled Cardinals, as St. Bonaventure relates, objected to it on the plea, that it was far too severe, and its observance beyond all human endurance, especially in matters of poverty. Cardinal John Colonna of St. Paul, Bishop of Sabina, however, championed the cause of Francis and his band of faithful followers. On that occasion he spoke these memorable words: "If we turn a deaf ear to the petition of this poor man, as if he were asking for an unusual favor, let us beware of opposing the very Gospel of Christ Himself.

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<sup>1</sup>St. Bonav. Leg. Maj. S. Franc. c. III., n. 8.

<sup>2</sup>Felder, Ideals of St. Francis of Assisi, ch. I., p. 9.; also see notes 34 and 38 on ch. I.



For he that calls the observance of the vows of evangelical perfection something strange, unreasonable, or impossible, blasphemes Christ, who has given us the Gospel".<sup>1</sup> Thereupon the Pope said to Francis: "My son, pray that Christ make known to us His holy will." Soon after, when Innocent III understood by a heavenly vision, that the saintly founder of the new Order would be a pillar of strength to the Church, he, on April 16, 1210, orally approved the Rule as written by Francis and admitted the Seraphic Father and his first disciples to the profession of the vows.

3

From the day of its approbation the Rule formed the steady norm of perfection for Francis and his loyal knights of the Gospel. However, when the new Order began to spread by leaps and bounds, the minds of men became divided concerning its excellence and usefulness. While greatly admired and esteemed by some, it was bitterly opposed and criticized by others. There were those, who saw in the new Institution another form of the fanatical sect, known as "The Poor of Lyons", which had but recently been condemned by the Church. This led the holy Founder to ask Pope Honorius III for a written and formal approbation of his Order.

Before accomplishing his object, the Saint was divinely instructed to reduce his Rule to a shorter and more concise form. Let us hear St. Bonaventure's recital of this occurrence: "It seemed to him (Francis) in a vision", says the Seraphic Doctor, "that he was gathering from the ground some very small crumbs of bread, which he must dole out to many surrounding friars, who were faint with hunger. And while he feared to distribute such small pieces, lest they fall from his hands, a voice from heaven said: 'Francis, make one host of all these pieces, and give to those who wish to eat'. It was so done, but all those who partook of the host without devotion, or who despised the

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<sup>1</sup>S. Bonav. Op. cit. cap. III. n. 9.

proffered gift, were soon struck with the visible marks of leprosy. In the morning the holy man related all these things to his companions, heartsore, because he could not understand the mystery of the vision. On the following day, however, as he was watching in prayer, he heard the same voice from heaven saying: "The bread-crumbs of last night are the words of the Gospel; the host is the Rule; the leprosy is sin". Therefore, as the vision dictated, he set himself to shorten the Rule, which was rather diffuse in its collection of Gospel passages. Led by the Holy Spirit, Francis went up into a certain mountain with two of his companions, where he had the Rule written according to what the Divine Spirit suggested to him, while he prayed and fasted on bread and water".<sup>1</sup> This revised Rule received the approval of the Apostolic See in the year 1223 by the Bull of Honorius III, which embodies the exact wording of the text in twelve chapters. While in substance it is the same as the first Rule, its contents here find a more precise and orderly expression. This essential agreement between the two Rules led Pope Honorius to say in his Bull of approbation: "We confirm—and sanction—the Rule of your Order approved by Pope Innocent, our Predecessor of happy memory".

- 4 The original of this Papal document is still carefully preserved at Assisi in a glass urn, and secured against all interference by the Pontifical Seal. Upon the urgent request of the higher superiors, Leo XIII graciously consented to have this precious heirloom taken out, and facsimiles made of the original. After a careful examination, it was found, that the copies in use, barring a few accidental differences, agreed with the original text. It was published in the year 1897 and has also been used as the basis and norm for this exposition of the holy Rule.

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<sup>1</sup>S. Bonav. Op. cit. c. IV., n. II.

In the work before us we are mindful of the words of our holy Father St. Francis in his Testament: "I firmly command all my friars, clerics and laics, in virtue of obedience, that they put no gloss on the Rule or on these words, saying: Thus they ought to be interpreted; but as the Lord granted me, purely and simply, to declare and write the Rule, and these words, in like manner, simply and purely, without gloss, may you understand them, and with the Divine Assistance observe them to the end". Saint Francis hereby condemns all arbitrary comments on the Rule, such as are not warranted by the text, but rather suggested by pride and the prudence of the flesh. In no wise, however, do they exclude a literal explanation of the text according to the intention of our holy Founder. Such expositions of the Rule have been given by several Popes, especially by Nicholas III, Clement V and Innocent XI, whose decrees on the Rule must still be read annually in the refectory.<sup>1</sup> Besides these authentic explanations of our Rule we have many so-called doctrinal expositions of the text, written by learned and pious men of the Order, such as that of Saint Bonaventure.

Explanations of the Rule are necessary, since often the letter or wording of the Rule alone will not give us a correct understanding of its underlying sense. The text must be interpreted in accordance with the intention and the spirit of the author. The intention of a writer is the soul of his writings, without which the single letters and words are likened to a lifeless body. "The letter killeth, but the spirit quickeneth", says the Apostle in reference to Holy Scripture (II. Cor. III, 6). This quickening spirit underlying the words must be brought to the surface by a correct interpretation of the text, such as we intend to offer in this treatise.

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<sup>1</sup>Cfr. Const. Gen. n. 7.

Before entering upon our subject, however, it might be well to premise a few remarks on the excellence of the Rule. The Rule of the Friars Minor is justly called a most perfect and sublime norm of evangelical life, whether we consider it in its *origin* or in its *contents*.

First, as to the *origin* of the Rule, St. Francis declares in his Testament: "No one showed me what I should do, but the Most High Himself revealed to me that I should live according to the form of the holy Gospel". In reference hereto St. Bonaventure says: "To certify this truth by Divine Testimony not many days after, the Stigmata of the Lord Jesus were impressed upon his body by the finger of the living God, —the Bull, as it were, of Christ, the Supreme Pontiff, in confirmation of the Rule, and in commendation of its author".<sup>1</sup>

Moreover, in defence of his Rule St. Francis made this solemn declaration before the Pope: "It is not I, Most Holy Father, but Jesus Christ, who put the words and the precepts in the Rule. Therefore, I dare not and cannot change or efface the words of Christ".<sup>2</sup>

Also in its *contents* does the Rule bear the closest relation to the Lord; for in the three vows it demands a most complete detachment from all things earthly and the greatest devotedness and loyalty to God. The very kernel or essence of the Rule is the following of Christ in His life and teachings as recorded in the Gospel. Pope Nicholas III, therefore, has styled the Rule "a religion clean and without spot before God the Father which, descending from the Father of Lights through His Son, handed down by the words and example of the Apostles and inspired through the Holy Spirit to Blessed Francis and his followers, contains, as it were, the testimony of the Trinity".<sup>2</sup> We may,

<sup>1</sup>S. Bonav., Op. cit., Cap. IV. n. 11.

<sup>2</sup>Declar. P. Nic. III. super Reg. FF. Min., Prologus, n. 2.



therefore, most aptly apply to our Rule the words of St. Paul: "You have your fruit unto sanctification and the end, life everlasting". (Rom. VI, 22)—— "And whosoever shall follow this rule, peace on them, and mercy" (Gal. VI, 16).

That the Rule of the Friars Minor is holy and brings forth fruit in abundance unto sanctification, is evident from our glorious band of living witnesses, the canonized saints and martyrs of the Seraphic Order.<sup>2</sup> St. Vincent Ferrer, a son of St. Dominic, therefore, does not hesitate to say: "Whosoever observes this rule is a saint and may be canonized after his death".

No one was more convinced of the excellence of our Rule than the holy author himself. Whenever he spoke to his brethren of its merits, which was often the case, his simple soul was all aglow with the ardor of holy enthusiasm. He called the Rule "the book of life, the hope of salvation, the pledge of glory, the marrow of the gospel, the way of the cross, the state of perfection, the key of paradise, the document of the eternal covenant".<sup>3</sup>

7 The most excellent work, however, must reckon with the circumstances of time and place and with the inconstancy and other weaknesses of human nature. Even the immaculate spouse of Christ, Mother Church, from the very dawn of her existence has had to contend with the evil forces in man, abetted by the powers of darkness. Small wonder, then, if the observance of our holy Rule also became subject to the vicissitudes of human life. Such changes, however, had their good as well as their evil consequences. Defection from the ideals of the Rule, laxity of discipline on the part of some, only served to stir up in others new zeal

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<sup>2</sup>NOTE: According to the "Acta Minorum" (Feb. 1925), 74 cases for the honors of the altar in the I. Order are now being promoted. Moreover, 52 friars are numbered among the Canonized Saints and 102 have been declared Blessed.

<sup>3</sup>Thom. a Cel., Vita Sec., P. II. cap. 158.

for the purer observance of the Franciscan life. This, among other things, explains the definite and complete separation of the Conventuals from the Observants—two opposing parties, which for centuries had existed side by side in the Order of St. Francis. After many fruitless attempts on the part of the brethren and the Holy See to reunite the opposing elements, Leo X by a Bull, *Ite et vos in vineam meam*, of May 28, 1517, finally declared the two parties wholly separated for all times to come, and ordered that the *Minister General* be elected from the body of the Observants. By a second Bull, *Omnipotens Deus*, Leo X. ratified the privileges granted to the Conventuals by his predecessors, especially with regard to poverty. The head of the Conventuals was to be called *Master General* and his election was to be sanctioned by the Minister General of the Observants. Later on the name *Minister General* was substituted for *Master General*, and ratification of his election by the Minister General of the Observants was no longer required.

In the year 1528 a new and independent reform was inaugurated by a member of the Observants, Father Matthew of Bassi, who desired a more rigorous observance of the Rule along certain lines. His reform movement received the approval of the Church July 13th, 1528, from Clement VII, who made his followers subject, however, to the authority of the General of the Conventuals. Father Matthew introduced the wearing of beards and a long and pointed hood or capuche, attached to the habit, for which reason the new friars were called by the Italians "Capucini", in English "Capuchins", a name which has clung to them to the present day. The Capuchins in the year 1619 were released from the jurisdiction of the Conventuals by Pope Paul V, and authorized to have their own Superior General. In the essentials of the Franciscan life there is no difference between the Capuchins and

the Friars Minor. Both orders vow to observe the Holy Rule according to the declarations of Nicholas III and Clement V, to the exclusion of all perverse customs and dispensations in substantial points of the Rule.

This tendency among the sons of St. Francis to inaugurate new reforms, which cannot be condemned offhand, kept apace with the spread and development of the order. Thus we see the family of the Observants eventually split up into two groups, the Regular and Stricter Observants. The latter became divided into three distinct families known as the Alcantarines or Discalced, the Reformati and the Recollects. All the Observants, however, were subject to the same Minister General, although each family had its own constitutions and a special Procurator to represent it at the court of the Holy See.

8 By the Bull *Felicitate Quadam* of Oct. 4th, 1897, Pope Leo XIII put an end to these groups with their accidental differences and united the four families of the Observants under the original name of *Order of Friars Minor*. By decreeing the same constitutions for all, Leo hoped to achieve a more perfect observance of the common Rule, which, in turn, would secure the Order against a general relaxation of discipline, and enable the friars to labor more effectually for the spiritual welfare of the nations. Since the inauguration of the union the Order has made rapid strides not only in numbers but also in its inner life and its astounding apostolic and missionary activity without.

## CHAPTER I.

**TEXT:** In the name of the Lord beginneth the Life of the Friars Minor. The Rule and the Life of the Friars Minor is this: to observe the holy Gospel of our Lord Jesus Christ by living in obedience, without property and in chastity.

## EXPLANATION.

9 Our holy Father Francis begins the Rule "in the name of the Lord", in accordance with the words of the Apostle: "All whatsoever you do in word or in work, do all in the name of the Lord" (Col. III, 17).

By the **Rule and Life of the Friars** is meant their norm and manner of life. The necessity of such an authoritative standard and guide is obvious, since no religious order can possibly fulfill its god-given purpose without a written rule for the moulding of the life and character of its members according to the counsels of the Gospel and its own peculiar end.

"Friars Minor" is the official name by which our Seraphic Father would have his sons known and called in the interest of fraternal charity and humility. Friar means brother. All men as children of the one Father, Who is in Heaven, deserve to be called brothers; but more especially the religious, whom the Lord has linked together in the closest bonds of charity for His express service. For this reason He honored His Apostles with the name of Brother. "All you are brethren" (Mat. XXIII, 8). But Francis took care to add the term "Minor" or lesser to that of "Friar", because in the spirit of humility we should consider ourselves the least of all the brethren in Christ. "He that is the greater among you", said Christ to His chosen Twelve, "let him become as the lesser" (Luke, XXII, 26).

10 The words **To observe the holy Gospel of our Lord Jesus Christ**, briefly indicate the contents of our rule of life, which St. Francis adapted as closely as possible to the precepts and principles of the Gospel. For by close adherence to the Gospel we become living copies of Christ and His Apostles. Such was Francis' ideal of perfection.

This does not imply, however, that a Friar Minor by virtue of his Rule and profession is obliged under sin to observe every item of the Gospel, for the Rule



stresses only certain points of the Gospel as precepts, while it refers to the others as mere counsels or exhortations. Pope Nicholas III, therefore, clearly says: "In order to put the consciences of the Friars fully at ease, We declare, that by the profession of their Rule, they are held only to those evangelical counsels, that are expressed in the Rule either as commanding or prohibiting precepts, or couched in words, which have the force of a precept. With regard to certain other counsels of the Gospel, the Friars should, indeed, observe these more strictly than other christians, but merely because it is required by the state of life they have chosen by their profession, by which they have offered themselves to the Lord as a perfect holocaust in their desire to spurn the goods of earth".<sup>1</sup>

11 Our state of life, therefore, should induce us to regard and use as means of religious perfection whatever the Order prescribes, whether it be in the nature of a vow, a precept of the Rule, a prescription of the General Constitutions, or of the Provincial Ordinances. As regards the constitutions and the ordinances, though they are not as such binding under sin, barring a few express cases, let no Friar on this account delude himself into thinking, that he may habitually disregard these means of perfection through sheer negligence or contempt to the scandal of his brethren, without incurring the guilt of sin.

12 The counsels of the Gospel which St. Francis has embodied in his Rule as precepts binding under mortal sin are known with sufficient clearness partly from his own words, partly from common consent in the Order, partly from the declarations of Nicholas III and Clement V. With these sources as their guides the authors present the following list of precepts:

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<sup>1</sup>Declaratio super Reg. FF. Min. (Exiit), Art. I., n. 3.; Cfr. likewise the Declaration of Clement V., Exivi, Art. 2. and Art. 3., n. 2.

I. **Seven<sup>1</sup> formal precepts**, so-called from the express words of command used by the holy Founder and Lawgiver: "I firmly command"—"I enjoin in obedience". They are:<sup>1</sup>

1. That the whole Order is bound to render obedience and reverence to His Holiness the Pope and the Roman Church (Chap. 1. of the Rule).
2. That the friars shall in no manner receive coins or money (Chap. 4. of the Rule).
3. That the friars shall obey their ministers in all things which they have promised God to observe (Chap. 10. of the Rule).
4. That the friars shall not have suspicious communications with women. (Chap. 11. of the Rule).
5. That they shall not enter the monasteries of nuns. (Chap. 11. of the Rule).
6. That they shall not become sponsors of men or women. (Chap. 11. of the Rule).
7. That the ministers shall ask for one of the Cardinals of the Holy Roman Church to be governor, protector and corrector of this fraternity. (Chap. 12. of the Rule).

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<sup>1</sup>Trienekens enumerates only six formal precepts omitting the first mentioned on obedience to the Pope, which Katzenberger (*Liber Vitae*, C. 1. Q. 5) and other authors infer from the promise of the Seraphic Father in the Rule: "Friar Francis promises obedience and reverence to His Holiness, the Pope and the Roman Church" (Chap. 1. of the Rule). But there is no sufficient evidence, says Trienekens (*Vota et Precepta*, P. II. C. I. n. 92) in the words of the Rule or in the declarations of the Popes for imposing this promise in the form of a precept upon all the Friars.—Other authors under the leadership of St. Bonaventure call the above promise of St. Francis a **special vow** (apart from the three vows of religion), by which he bound himself and all his brethren to obedience to the Holy See. The vow is made, they claim, when the Friars in the act of profession vow obedience to the Rule in which this vow is contained.—Some few expositors hold that this promise of St. Francis is a special vow, by which he intended to bind **only himself and his successors in the office of Minister General** to a more strict obedience and reverence to the Pope. They infer this from the text of the same promise in the first Rule: "Friar Francis and whoever should be the head of the Order, promises", etc. As a matter of fact the newly elected Minister General takes the following oath before the Pope's delegate as the presiding head of the Chapter: "I—promise, vow and pledge obedience and reverence to His Holiness our Lord N—Pope N—and his successors canonically elected" [*Rituale Romanum-Seraphicum*. (Ed. 1895) p. 124]. Cfr. Trienekens, *Op. cit.*, nn. 93-95.

**II. Two prohibiting precepts**, so-called from the words, "by no means" and "nothing", which express a universal prohibition.

1. That it will be by no means lawful for the friars to leave this Order. (Chap. 2. of the Rule).
2. That the friars shall appropriate nothing for themselves. (Chap. 3. of the Rule).

**III. Four virtual precepts**, which have the force of formal or prohibiting precepts according to the Pontifical decrees.

1. That the friars are bound to have recourse to the Provincial Ministers for reserved cases. (Chap. 7. of the Rule).
2. That the friars shall have one of the friars of this Order as Minister General. (Chap. 8. of the Rule).
3. That the ministers and custodes are bound to assemble together in General Chapter for the election of a successor to the Minister General. (Chap. 8. of the Rule).
4. That if at any time it should seem to all the Provincial Ministers and Custodes that the aforesaid Minister General is not competent, they should elect another. (Chap. 8. of the Rule).

**IV. Twelve having the nature of precepts** according to the declaration of Clement V as being equivalent to those of the first or second group.

1. That the friars shall have one tunic with a capuche and those who wish may have another without a capuche. (Chap. 2. of the Rule).
2. That only those who are compelled by necessity may wear shoes. (Chap. 2. of the Rule).
3. That they shall be clothed in poor garments. (Chap. 2. of the Rule).
4. That the clerics shall recite the Divine Office according to the order of the Holy Roman Church and

that laics shall say the Lord's Prayer. (Chap. 3. of the Rule).

5. That the friars shall fast from the feast of All Saints to the Nativity of Our Lord, from Ash Wednesday to Easter Sunday, and on Fridays throughout the year. (Chap. 3. of the Rule).
6. That they shall not ride unless compelled by manifest necessity or infirmity. (Chap. 3. of the Rule).
7. That the ministers and custodes shall have a solicitous care for the necessities of the sick and for the clothing of other friars. (Chap. 4. of the Rule).
8. That the Friars shall serve their sick brethren. (Chap. 6. of the Rule).
9. That the friars shall not preach in the diocese of any bishop when it has been prohibited to them by him. (Chap. 9. of the Rule).
10. That none of the Friars dare preach to the people unless he has been approved of by the Minister General of this Fraternity. (Chap. 9. of the Rule).
11. That wherever there are Friars who know and feel that they cannot observe the Rule spiritually they are obliged and permitted to have recourse to their ministers. (Chap. 10. of the Rule).
12. All those things placed in the Rule regarding the form of the habit both of the novices and of the professed and also the manner of reception and profession in which are included many conditions obliging under mortal sin. (Chap. 2. of the Rule).

13      The text continues: **“by living in obedience, without property, and in chastity”.**

Naturally the holy Founder emphasizes above all the three evangelical counsels. They form the very essence of the religious life. Every Friar Minor, therefore, is strictly held to their observance by the Rule in virtue of his profession, which he made as follows: “I Fr. N. N. do vow and promise to Almighty



God, to the Blessed Mary ever Virgin, to our blessed Father Francis, to all the Saints and to you Father, to observe for *three years*—(simple profession)—*for the whole time of my life*—(solemn profession)—the Rule of the Friars Minor as confirmed by the Lord Pope Honorius, by living in obedience, without property, and in chastity”.

The nature and extent of the vow of obedience will receive our attention in the tenth chapter of the Rule in connection with the precept of obedience; that of poverty, in the sixth chapter with the corresponding precept of poverty. Chastity will be explained in the eleventh chapter, which contains the safeguards of this angelic vow and virtue in the form of three precepts.

**TEXT: “Friar Francis promises obedience and reverence to the Lord Pope Honorius and his lawful successors canonically elected, and to the Roman Church”.**

#### EXPLANATION.

14

After regulating the life of the Friars Minor with regard to God according to the principles of the Gospel and the observance of the counsels, St. Francis now proceeds to define their position towards the authorities of the Church. First of all, Francis himself promises a special submission and reverence to the Pope and to the Roman Church. The word **Church** denotes the college of Cardinals who govern the faithful when the Holy See is vacant; also, the Ecumenical Councils and Sacred Congregations, which enact ecclesiastical laws and decrees by the authority of the Pope.

This sense of deep reverence and humble obedience to Christ's Vicar on earth and to the whole teaching body of the Church, which Francis had learned by heavenly enlightenment,<sup>1</sup> pervades his entire Rule and Testament. Whether the holy Founder bound himself and his brethren thereto by a special vow or precept

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<sup>1</sup>Const. Gen., n. 10.

is an open question.<sup>1</sup> Practically speaking, however, the Friars Minor are more strictly obliged than other religious to obey and reverence the Pope and the Church. We rightly infer this greater obligation from the express wish of Francis to keep his Order firmly grounded in the Catholic faith. Hence, it would seem, he united the brethren more closely to the Minister General by a *special precept* of obedience and through the General to the Holy See.<sup>2</sup> From this, however, it does not follow that a sin of disobedience or irreverence against the Pope and the Church on the part of a Friar Minor, even in an important matter, differs numerically from a sin of this kind committed by other religious. Withal, the general obligation remains to show greater reverence and a more firm filial obedience to the Pope and the Church.<sup>3</sup>

- 15      The words of the text, **“and the other Friars are bound to obey Friar Francis and his successors”**, are commonly understood to refer to the formal precept of obedience to all Superiors of the Order, which is contained in the tenth chapter.

## CHAPTER II

### OF THOSE WHO DESIRE TO EMBRACE THIS LIFE AND HOW THEY ARE TO BE RECEIVED.

**TEXT:** “If any wish to embrace this life and come to our Friars, let them send them to the Provincial Minister, to whom and to none others the faculty of receiving Friars is granted”.

#### EXPLANATION.

- 16      Before entering into the details of this chapter it should be observed, that all those things in the Rule,

<sup>1</sup>Cfr. p. 28, n. 10, note.

<sup>2</sup>Trienekens, op. cit., Pars II., Cap. 1. n. 95.

<sup>3</sup>Trienekens, ibid. nn. 96-97.

which pertain to the manner of reception and of profession, as also to the form of the habit of the novices and of the professed are obliging under mortal sin.<sup>1</sup>

According to the above text all applicants for the Order shall be directed to the Minister Provincial, who alone, within the limits of his province has the power to receive worthy candidates into our fraternity. It stands to reason that only such applicants are worthy of recommendation as have the necessary qualities, moral and physical. All cases of doubt are decided by the Provincial; but he should be informed of the reasons for seriously questioning the fitness of an applicant, and also of the evident lack of vocation in any one who applies for admission.

The power to receive candidates into the Order is a fortiori vested in the Minister General in virtue of his supreme authority. He may even limit the power of the Provincial to received members whenever he deems it advisable. So it has been declared by Pope Nicholas III,<sup>2</sup> who also decrees, that the ex-officio-Vicar or delegate of the Provincial has not the faculty to receive candidates to the Order, unless he is specially empowered by him to do so.

**TEXT: "But the Ministers must examine them carefully on the Catholic Faith and the Sacraments of the Church".**

#### EXPLANATION.

17 The evident purpose of this precept is to safeguard the Order against the intrusion of heretics, infidels and other unworthy candidates. Hence, whenever the applicants for the Order are known to be well instructed and practical Catholics and to have the other requisites necessary for membership, there is no need of such an examination. The Provincials, moreover, will fully comply with their duty in this matter

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<sup>1</sup>See p. 30. 12th precept of group IV.

<sup>2</sup>Declar. P. Nic. III. super Reg. FF. Min., Art. XVIII., n. 2.

by relying on the testimony of those to whose charge the candidates and novices are committed for instruction in the religious life.

**TEXT:** "And if they believe all these things, and wish faithfully to profess them and firmly to observe them to the end; and if they have no wives, or if they have, provided that their wives have already entered a convent, or that they have given their consent with the authority of the bishop of the diocese, having already taken a vow of chastity; and that their wives be of such an age, that no suspicion may arise concerning them: then let them say to them the words of the Holy Gospel, that they go and sell all their goods and take care to distribute them to the poor, which if they cannot do, their good will suffices".

#### EXPLANATION.

18 In the aforementioned text our Rule prescribes certain conditions under which admission to the Order is granted. They are:

1. That the aspirant firmly believe all the Catholic Church teaches; that he be ready to confess his faith by word and deed; that he be earnestly resolved to persevere therein to the end, yes, even to die for the same, as St. Bonaventure declares.<sup>1</sup>

2. That he be unmarried, because one in wedlock is no longer free. Yet, in accordance with the old law of the Church, the Rule permits even a married man to enter the Order with the consent of his wife, on condition that the wife be of such an age and reputa-

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<sup>1</sup>Hence, "according to a law peculiar to us" the following applicants for the Order are illicitly (though not invalidly) admitted: 1) Those who are in any way suspected on account of their faith; 2) those born illegitimately, or of scandalous parents; 3) those who have a serious blemish on their good name; 4) those who are infected with a contagious disease or who habitually labor under a grave infirmity which would render the observance of the vows and precepts of the Rule practically impossible. For this reason candidates must furnish a testimony from a reliable physician that they are physically and mentally sound and fit for the ordinary duties of the Order. Const. Gen. n. 15.—For the other impediments to the valid and licit reception of novices imposed by Canon Law (Can. 542, 555) see Const. Gen. nn. 14 and 15.



tion, that no just suspicion of evil could arise; and, moreover, that she also enter a convent or take the vow of chastity with the approbation of the bishop of the diocese. According to the new law, however, no married person can validly be admitted to the novitiate of a religious institute without a dispensation of the Holy See.<sup>1</sup>

3. The third condition is, that one must renounce all earthly possessions. The Rule, therefore, obliges the Minister Provincial or his substitute to tell the aspirant to go, sell all he has, and endeavor to distribute it among the poor. Such an admonition is evidently out of place, if he knows that the applicant has no property of his own, or is prevented by circumstances from giving it to the poor. The Rule itself provides for cases, in which such selling or distributing of goods would be impossible: for instance, if the aspirant's own family stood in need of these goods, or if such a disposal gave rise to scandal or dissension. In these and similar cases his good will suffices.

19 The time prescribed by Mother Church for the actual and absolute renunciation of all temporal possessions is sixty days or two months before the profession of the solemn vows. Following is the ordinance of the constitutions regarding the disposal of property in our Order: The novice, before the profession of simple vows, shall so dispose of his temporal goods, if he possesses any, that their proprietorship alone being retained by him, he shall cede the rest, that is, the administration, usufruct, and use for the time that he remains in the same profession of simple vows, to whom he may desire, but not to the Order. If after taking his simple vows and during the time of their duration the professed receives goods, about which the aforesaid arrangement made no provision, he may and should cede them according to the rule given above,

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<sup>1</sup>Can. 542, 1,

notwithstanding his vow of poverty. The one professed may not change the disposition without the permission of the Minister General; nor shall a change be made in favor of the Order. Within sixty days before solemn profession the one to be professed must make a renunciation even of the proprietorship of all goods which he has and may acquire by inheritance; nor is it lawful for him to reserve anything for himself by will or other means, nor may he after solemn profession change the disposition without the permission of the Holy See. After profession all those things shall be done immediately which are necessary for the renunciation to take effect also before the civil law".<sup>1</sup> Thus far the General Constitutions. This final and absolute abdication, however, does not go into effect until the act of solemn profession.

**TEXT:** "And the friars and their ministers must take care not to be solicitous about their temporal goods, that they may freely do with their goods, whatsoever the Lord may inspire them. If, however, there be need of advice, the ministers shall have the faculty of sending them to some persons who fear God, by whose counsel let their goods be distributed to the poor".

#### EXPLANATION.

20

The Order is hereby exhorted to show the greatest possible reserve and disinterestedness in regard to the temporal goods of its aspirants and non-professed members. Superiors and their subjects are forbidden to meddle with the disposal of the goods belonging to those who wish to enter. They must even refrain from giving advice, unless it be merely to recommend some trustworthy person outside the Order as counsellor in this matter. "Those acting otherwise", say the constitutions, "shall be punished as proprietors; and if they be superiors, they shall be deprived of

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<sup>1</sup>Const. Gen., nn. 77-79; 89.

<sup>2</sup>Const. Gen., n. 90.

their office".<sup>1</sup> Should the candidate for solemn profession dispose of anything in favor of the Order, it may be accepted like any other alms. Nor would it be wrong to call the attention of the disposer to certain particular wants of the community and to certain deserving poor in preference to others, provided that he has already declared his will to benefit the community or the poor in general.<sup>2</sup>

**TEXT:** "Afterwards they may give them clothes of probation, to-wit, two tunics without a hood and a cord and drawers and a caperon reaching to the cord, unless at some time the same ministers may decide otherwise according to God".

#### EXPLANATION.

21

According to the Rule the clothes of the novices should be the same as those of the professed, excepting the capuche or hood, in place of which they should wear a caperon. However, in view of the privilege at any time to "decide otherwise according to God", the Ministers Provincial assembled in chapter in 1470 decreed that the novices throughout the Order wear a capuche, to the lower front of which should be attached a narrow strip of cloth reaching to the girdle, as their distinguishing mark. This is what we now call the "caperon". Since the Minister Provincial, as already stated, has the ordinary power to clothe the novices with the holy habit, he may also delegate another father for this ceremony, but it must be done in writing. The appointee may not subdelegate, however, unless he has the express and written faculties so to act.<sup>3</sup>

**TEXT:** "But the year of probation being finished, let them be received to obedience, promising to observe this life and rule forever".

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<sup>1</sup>Const. Gen., n. 90.

<sup>2</sup>Cfr. Kazenberger, Lib. Vitae Cap. II. Q. II.

<sup>3</sup>Const. Gen., n. 39.

## EXPLANATION.

22

Not until the year of probation is entirely completed may the novices be admitted to the profession of the religious vows. This is also an ordinance of the Church<sup>1</sup> dating back as far as the Council of Trent, which requires for the validity of the novitiate among other conditions, "an entire and uninterrupted year" of probation "in the novitiate house". Our constitutions accordingly ordain that "the simple profession shall be made on the day after the anniversary of the reception and in the convent of the novitiate".<sup>2</sup>

In regard to novices who are in danger of death the Sacred Congregation of Religious on Sept. 3rd, 1912, had granted to all religious institutes the privilege of admitting them to the profession of vows before the allotted time. But since the new Code of Canon Law is silent on this question, there was reasonable doubt about the further existence of said privilege. Thereupon the same Congregation with the approval of Pope Pius XI renewed the previous privilege under practically the same conditions, to-wit:

1) That the novices in question must have begun their novitiate canonically.

2) They may be admitted to profession not only by the major superiors according to the norm of the constitutions, but also by the superiors of the monasteries or novitiates and also by the delegates of said superiors. This is a new concession.

3) The vows must be pronounced according to the usual formula of the institute and without mentioning their character and time of duration.

4) Such a profession will give the dying novice a share in all the indulgences, suffrages and graces granted to the professed religious who die in the same

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<sup>1</sup>Can. 555, 1, nn. 2. and 3.

<sup>2</sup>Const. Gen., n. 83.

institute. Moreover, he gains a plenary remission of his sins in the form of a Jubilee indulgence.

5) Besides these graces the profession will have no other effect. Hence, in case of the novice's death the religious institute cannot claim his property or other rights. If he recovers, he will be in exactly the same canonical state as before his premature profession. Accordingly he may be dismissed from the novitiate or leave of his own accord. If he perseveres he will be obliged to make a new profession of the vows.<sup>1</sup>

To forestall uncertainty about the completion of the novitiate, the General Constitutions prescribe that "the place, year, month, day and hour", etc., of the reception "shall be entered in a book destined for that purpose, and kept in the archives of the convent", etc.<sup>2</sup>

As regards the continuity or non-interruption of the novitiate, they decree that a novice shall begin anew and complete his novitiate, in case it has been interrupted in any of the following ways:

1) If he has actually gone out of the house, after being lawfully dismissed.

2) If he has abandoned the house without the permission of the superior, either with or without the habit.<sup>3</sup>

3) If he has remained out of the house for more than thirty days, whether continuous or not, although it has been done with the intention of returning and with the consent of the superior.

For cases of interruption not exceeding thirty days, the constitutions declare:

1) If a novice has remained outside the enclosure of the house for more than fifteen days, even non-continuous, but not beyond the thirty-day limit, whether this happen by force or with the superior's permission

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<sup>1</sup>Decretum S. C. R. ex Act. Ap. Sed., vol. XV. p. 156.

<sup>2</sup>Const. Gen., n. 40.

<sup>3</sup>That is with the intention of not returning. This intention must be sufficiently manifested externally by word or deed. See Vermeersch-Creusen Epitome Jur. Can. Vol. I., p. 252.



and under his obedience, it will suffice for the validity of profession to prolong the novitiate by the number of days during which the novice was absent.

2) If, under the same circumstances, the novice has been absent not more than fifteen days, the Minister Provincial may oblige him to supply the days of absence; but it is not necessary for the validity of the novitiate. Moreover, he alone may grant permission to remain outside the enclosure of the novitiate but only for just and serious reasons.<sup>1</sup> These regulations are essentially the same as those of the new Code of Canon Law in force since May 19, 1918.

23

The provincials, who are empowered to clothe candidates with the holy habit, have the same exclusive right to admit novices to the profession of simple vows; also to delegate another father for this important act, provided it be done in writing.

During the probation-period, however, the guardian of the novitiate must convoke the conventual chapter every fourth month for a vote on the novices. The right and obligation to cast a vote belong only to those friars of the convent of the novitiate, who have made their solemn profession and completed at least two months of habitation in the same convent. Moreover, they must not have been absent continually for the last two months before the voting. Strict secrecy is imposed upon all the voters with regard to the matter of votation.<sup>1</sup>

Much importance is attached to the proper exercise of this right and duty of voting, for the constitutions demand the dismissal by the Minister Provincial of any novice, who has not received a plurality of votes in his favor, whether it be at the first, second, or third voting. If a novice fail to obtain a third part of the votes, especially at the third meeting of the conventual chapter, his reception "shall be considered

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<sup>1</sup>Const. Gen., nn. 42-43.

doubtful, and the Provincial, after consulting the Fathers Definitors and duly considering the case, shall decide as God may inspire him. If it seems proper to him, he may prolong the term of the novitiate, but not beyond six months".<sup>1</sup> He has also the right to dismiss a novice at any time for just reasons, without being obliged to disclose them to him.<sup>2</sup>

It is not an easy task in every instance to form a correct judgment. Hence, in cases of doubt, information and counsel should be sought with the superior, the master of novices, and with other conscientious and experienced religious. If after such investigation one seriously questions the fitness of a novice, the Order should get the benefit of the doubt. Experience teaches, that the admission of truly doubtful characters is a great drawback to the regular discipline and to the progress of religious communities.

24

After a full year of probation in the novitiate, the novices who have been found worthy, must be admitted to the simple profession of vows; which, with its accompanying ceremonies, signify their public entrance upon the exclusive service of God.

According to the present legislation of the Church, the simple vows bind for three years, or for a longer period of time; to-wit, in case the religious has not yet reached the age required for solemn profession, which is twenty-one years. The Minister Provincial, however, is given the power by the constitutions and Canon Law "to prolong the three-year term by having the religious renew the temporary profession, but not beyond another three years".<sup>3</sup>

The simple vows are dissolved by a dispensation lawfully obtained from the Supreme Pontiff, or by an act of dismissal, which is an exclusive right of the Minister General with the consent of his Definitory

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<sup>1</sup>Const. Gen., nn. 72-74.

<sup>2</sup>Const. Gen., 74-75.

<sup>3</sup>Can. 574, §2, Const. Gen., n. 85.

given by a secret vote. However, the lawful exercise of this power requires the exact observance of the conditions as laid down by the Sacred Canons and the General Constitutions.<sup>1</sup> In both of the aforementioned cases the friar is released from all obligations arising from the vows. If he had been received as a cleric in major orders, he must return to his own diocese and observe the prescriptions of Canon Law.<sup>2</sup> A cleric in minor orders is thereby reduced to the lay state.

The friar with simple vows enjoy all the favors, indulgences, and privileges of the solemnly-professed members, excepting the right of active and passive voice in the elections of the Order. Hence, they cannot be chosen for the office of superior, definitor or consultor and master of novices. However, after the act of solemn profession, the time required for the various offices and privileges of the Order is reckoned from the day of simple profession. Moreover, those in simple vows, under certain conditions given in the constitutions, may also receive the tonsure and minor orders.<sup>3</sup>

Before their solemn profession the friars are not obliged to say the Divine Office privately, when absent from choir-service. They also retain the radical ownership of their property. Otherwise, they are bound by the same obligations as their brethren under solemn vows. For this reason the constitutions declare, that "immediately before profession or on the day previous, a protestation shall be made to the novice before the whole community that, in virtue of his profession, he shall be obliged to the observance of the Rule and of all the precepts; and the novice shall accept this protestation, and with this intention he shall make his profession", etc.<sup>4</sup>

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<sup>1</sup>Can. 647—Const. Gen., n. 87.

<sup>2</sup>Can. 641, §1, 642.

<sup>3</sup>Const. Gen., n. 88.

<sup>4</sup>Const. Gen., n. 82.

In the text under consideration our Seraphic Father does not say: "Let them be received to the Order, or to profession", but, "let them be received to *obedience*", thereby signifying the eminent place which obedience occupies in the religious life. Obedience enters so extensively and intimately into the warp and woof of our daily life, that we may say: "A life in religion is a life of obedience". Father Bonaventure Dernoye, O. F. M., therefore, writes with as much truth as unction: "O candidates for the life of perfection, never forget to what you have been received, namely, to obedience. You thereby make a kind of covenant with the Order to the effect that it nourish, support, and lead you to heavenly bliss; but that *you* on the other hand faithfully and without protest fulfill all its requirements. And if you should ever feel a desire to assert yourselves, to seek recreation, to preach, to rule, to teach, to exhort, to meddle with the affairs of others, remember that you were not admitted to the Order for such purposes; but for the sake of obedience to those superiors, whom the Order may choose to place over you, and to fill those positions, which it may consider most suitable for you. Aye, should you even be animated by holy and lofty desires, which seem to come from God and to be directed to God; be convinced that they are not agreeable to Him, unless they proceed entirely from, and totally depend on obedience".<sup>1</sup>

After pointing to the service of obedience, St. Francis adds: "**promising to observe this life and rule forever**". It would be erroneous to conclude from these words, that the Rule *in all its parts* obliges by virtue of the vow and under pain of sin. By the profession of the vows we simply promise to accept and observe the contents of the Rule according to the intention and will of our Holy Founder, i. e., its precepts

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<sup>1</sup>Medulla S. Evangelii, Cap. II., §XXIV.

as precepts, its admonitions as admonitions. A Friar Minor, therefore, takes upon himself to fulfil the three essential vows of religion and those precepts, which the Supreme Pontiffs have declared to be binding under penalty of mortal sin.

**TEXT:** “And by no means will it be lawful for them to leave this Religion according to the command of the Lord Pope, because according to the Holy Gospel no man putting his hand to the plow and looking back, is fit for the kingdom of God”.

#### EXPLANATION.

27

This is a prohibiting precept, which, according to the command of the Lord Pope, Honorius III, who confirmed the Rule, forbids all Friars Minor after their profession, under pain of mortal sin not only to apostatise, i. e., to throw off the yoke of religion, but also to join any other, even a stricter Order, without a dispensation from the Holy See.<sup>1</sup> There are two ways, says St. Bonaventure, of leaving one's Order. First, by apostatising, i. e., by returning to the world or by joining a less strict Order. This practise is damnable (presupposing, of course, a lack of good will). Secondly, by embracing a stricter life, which is laudable, whenever possible; but it is impossible for those who profess our Rule, which says: “By no means will it be lawful for them to leave this religion according to the command of the Lord Pope, because according to the Holy Gospel: No man putting his hand to the plow and looking back, is fit for the kingdom of God”.<sup>2</sup> A friar has no tangible reason for leaving his beloved Order for the sake of aiming higher in the spiritual life, since the Seraphic Rule in its origin and contents according to the testimony of St. Francis and the Supreme Pontiffs is a most holy and perfect norm of

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<sup>1</sup>Bulla: Cum secundum consilium (Bull. Franc. Tom. 1, p. 6).

<sup>2</sup>St. Bonav., In Reg. C. 2. n. 13 sq.



life, which will enable its followers to reach the heights of evangelical perfection and sanctity.

28

Formerly it was lawful for religious, excepting Franciscans, to join a stricter Order with the permission of the superiors for the sake of leading a more perfect life. This privilege, however, has been withdrawn, for the new Code of Canon Law reads: "No religious can pass to another congregation or order, even stricter, without the authorization of the Holy See".<sup>1</sup> From this it is evident that a change from one religious institute to another finds little favor with Mother Church. She knows from experience, our best teacher, that in most cases such pretended desires for a stricter life serve only as a mantle to cloak one's fickleness, aided and encouraged by the enemy of our salvation.

As regards a dispensation from the vows of religion and permission to return to the world, they can be obtained from the Holy See, as we have already seen; but such dispensations will be null and void, if the reasons alleged in the letter of petition are *false and fictitious*. "Should a religious", says St. Bonaventure, "obtain a papal dispensation from the vows under false pretences, the Pope's permission will not change the sentence of the Lord: 'He that putteth his hand to the plow and looketh back, is not fit for the Kingdom of God' ".<sup>2</sup>

Because of the sacredness of the religious vows, which he has made to God, no Friar Minor should ever think of having these holy bonds dissolved, before seeking much counsel with the Lord in prayer, as also with his superiors and father confessor. Hence the paternal warning of the constitutions: "We admonish all the friars seriously in the Lord never to forget the grave obligation undertaken in profession for the whole period of their life, nor to rashly procure for them-

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<sup>1</sup>Can. 632.

<sup>2</sup>St. Bonav. Exposit. super Reg. c. II. n. 14.

selves an indult to remain outside the cloister, whether temporary (i. e., an indult of exclaustation) or perpetual (i. e., an indult of secularization).<sup>1</sup>

Such as have received the papal indult to remain outside the cloister for a time, are still bound to the vows and other obligations of the Rule, in as far as these can be reconciled with their present condition, and they become subject to the bishop of the diocese in which they reside. Besides, they may not wear the outer habit, nor enjoy an active and passive voice in the Order during the time of the indult. There is no obligation on the part of the Order to provide for their sustenance or other necessities, nor to stand good for their debts or obligations. Under pain of mortal sin they must return as soon as possible to the cloister after the allotted time and be kept for one year in a solitary convent, where the regular discipline is more perfectly observed.

Those, however, who have obtained the indult of secularization, sever all connections with the Order; nor may they be re-admitted to any province without the consent of its Definitorium, and the General Definitorium, as also without the special permission of the Holy See.

In case of re-admission, they are treated as newcomers. Hence they forfeit their former place of precedence and must renew their novitiate and profession. Moreover, they are perpetually disqualified for all the offices of the Order.<sup>2</sup>

29

A religious under perpetual vows, whether solemn or simple, who leaves his convent unlawfully with the intention of not returning, is branded an apostate from the religious life; likewise, if he leaves lawfully, but does not return for the purpose of withdrawing himself from religious obedience. The wicked intention of not returning is legally presumed, when after the lapse

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<sup>1</sup>Const. Gen., n. 129.

<sup>2</sup>Const. Gen., nn. 130-133.

of a full month, he has neither made his appearance, nor manifested to his superior the intention of returning.<sup>1</sup> “Every apostate from the Order, besides being excluded from legitimate ecclesiastical acts, and deprived of all the privileges of the Order, incurs, according to the law, excommunication reserved to the Minister Provincial”.<sup>2</sup> From the severity of the punishment we see what the Church thinks of the crime of apostasy.

A fugitive according to Canon Law is one who without the permission of the superiors, leaves the convent, but with the intention of returning.<sup>3</sup> This is interpreted by the General Constitutions as meaning for the Order “one who, contrary to the precept or without the permission of his legitimate superior, leaves the convent or residence and remains as such outside of obedience more than a natural day, under any pretext whatsoever, even that of going to the higher superiors; and one who, after the time of his permission has ceased, has culpably postponed returning to his convent for a natural day” (Const. Gen. n. 126).

A fugitive religious by the very fact incurs privation of any office he may have in the Order and suspension from the exercise of sacred orders reserved to the Provincial. Against a fugitive friar not in sacred orders the General Constitutions decree the penalty of interdict to be incurred *ipso facto* and likewise reserved to the Minister Provincial.<sup>4</sup>

Should a friar grow so forgetful of his sacred obligations, as to become an apostate or a fugitive, the local superior, if he and his discreets are fully aware of the crime, must notify the provincial at once and denounce the culprit before the community according to the nature of the fault, to deter and preserve oth-

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<sup>1</sup>Can. 644, §§1 and 2.

<sup>2</sup>Can. 2385;—Const. Gen., n. 124.

<sup>3</sup>Can. 644, §3.

<sup>4</sup>Can. 2386; Const. Gen., n. 125.

ers from the temptation of bad example. Adequate measures must also be taken by the provincial to seek for the stray sheep.

Apostates and fugitives, who come to a sense of their guilt and return to obedience, will be absolved from the ecclesiastical penalty publicly before the community, if it has knowledge of the crime, and receive a suitable penance according to the norm of the General Constitutions.<sup>1</sup>

30

The crime of apostasy, as a rule, does not come unawares like a bolt out of the blue. It has its forerunners in pride, false ambition, and sensuality. To give these passions full rein is to unmuzzle the wild beast in man, which eventually will plunge him headlong into sin and vice. In most cases it will not come to actual apostasy for fear of external consequences, such as loss of reputation; but spiritual apostasy from God and virtue is the inevitable result. The saintly Bishop Hedley of blessed memory speaks thus to the consciences of unfaithful, tepid religious, who run the awful risk of apostatising: "The sweetness of divine love led thee on, the fervor of a beginner made burdens light and the rough way smooth. But by degrees unfaithfulness crept upon thee—thou didst begin to keep things back from thy sacrifice—the holy strictness of the Rule began to displease thee—thou didst try to cheat thy Savior in those things, which are intended to make the religious like unto Him who bore the cross. Perhaps thy vows, at that time, were little before thy mind—there were temptations to regret having made them—thou didst grow to be slow, unpunctual, lax, and self-seeking: to love distractions and outside work and recreation; to disturb thy brethren by singularity, by the contempt of observances—and general discontent with the religious life. Whither does all this lead? Canst thou doubt it? It leads

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<sup>1</sup>Const. Gen., nn. 125-128—383.

to the abandonment of the religious life; and, therefore, since it seems that God intends thee to save thy soul *by the religious life*—to thy eternal ruin”.<sup>1</sup> To forestall such an unhappy fate, the good bishop earnestly exhorts us often to think of our vows and practices of religion, and to put energy in their use; above all, in the hour of meditation and prayer to ask the Lord Jesus for the grace of constancy and perseverance in His service.

Religious who have become absolutely incorrigible may be ejected from the Order, lest their evil company corrupt others. Why should the Order continue to fondle and caress undutiful and obdurate children, who, regardless of admonitions, corrections and punishments, persist in their wayward course, to the evident scandal of the good? “The faculty of dismissing one from the Order”, say the constitutions, “pertains to the Minister General with the consent of his Definitorium manifested by a secret vote”.<sup>2</sup> The superiors, however, should leave nothing untried to amend the perverse religious, before resorting to the punishment of expulsion.<sup>3</sup>

**TEXT:** “And let those who have already promised obedience have one tunic with a hood, and those who wish may have another without a hood”.

#### EXPLANATION.

31

The garments prescribed for the professed Friars under pain of mortal sin are *one tunic or habit with a capuche*. Those who wish may have another without a capuche. The cord and drawers, or femorals, though not expressly mentioned, are included, as Pope Innocent XI<sup>4</sup> declares, since they have already been prescribed for the novices on account of necessity and propriety: a reason why they should also be worn by

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<sup>1</sup>Bishop Hedley's Retreats, 7th ed. pp. 206-207.

<sup>2</sup>Const. Gen., n. 86.

<sup>3</sup>Ibid. nn. 87; 387-390.

<sup>4</sup>Sollicitudo Pastoralis, n. 2.



the professed. Both tunics or habits and the capuche must be of *woolen* cloth like the habits of the novices, which the expositors of the Rule infer from the expression “*panni probationis*”. Therefore the constitutions call for *wool* in the making of the habits and capuche, as also of the cord.<sup>1</sup>

The mantle is not mentioned in the Rule; but its use is sanctioned by lawful custom, which dates back to the beginning of the Order. So it is declared by Innocent XI. As to head-gears (hats, caps), though they cannot be strictly classed among the garments, their use, in the opinion of Trienekens and others, seems to be little in accord with the spirit of our holy Father Francis. However, one must take into account climatic conditions, which, no doubt, have given rise in some provinces to the use of the hat and cap.

32

The present text on the number and kinds of garments to be worn is one of the strictly binding precepts.<sup>2</sup> Hence, according to the papal declarations, no friar may wear extra clothing beyond the aforementioned, such as undershirts, jackets, or even shorter tunics without sinning against the Rule, unless there is a *real necessity* in the judgment of the superiors.<sup>3</sup> They are commanded to “have a solicitous care for the clothing of the friars”,<sup>4</sup> and hence will dispense from this precept in cases of necessity such as sickness, physical weakness or disorder, old age, roughness of the climate, and the like. Two things, then, are required for wearing more garments than the Rule allows, namely, a real necessity and the permission of the superiors.

All superfluity of garments (habits, etc.) , whether they be kept in the common wardrobe or in the cells of the friars, is forbidden by the vow of poverty and the sixth chapter of the Rule. Peculiar circumstances

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<sup>1</sup>Const. Gen., nn. 138-143.

<sup>2</sup>Cfr. Clem. V., Exivi. Art. 3, n. 2.

<sup>3</sup>Cfr. Bulla Papae Innocentii XI: Sollicitudo; Const. Gen., n. 134.

<sup>4</sup>Precept of the Rule.

of time, place and occupation, however, may require the use of additional garments for the purpose of a needful change, as in the case of our lay-brothers. They could hardly appear in decent attire for the community exercises without the use of an extra habit for working hours. According to Trienekens, superiors would not violate the Rule by permitting a subject to have two tunics in his cell at one and the same time for a necessary change of clothing, say, on account of the heat.<sup>1</sup> In all such cases the friars should be guided by the lawful custom of their province and the judgment of their superiors.

To lay aside the holy habit wantonly, say, for the sake of wandering about free and easy without fear of discovery, is a serious breach of the Rule. Hence the injunction of the General Constitutions: "The friars shall at no time, even for the sake of recreation, put off their religious garb or wear secular clothes".<sup>2</sup> "They shall not sleep without the habit or at least without their tunic, drawers and cord".<sup>3</sup>

There may be lawful reasons, however, for laying aside the habit temporarily, such as sickness, etc., or to appear "incognito" for self-protection in times of persecution, or while passing through or tarrying in places extremely hostile to the Church and religious Orders.<sup>4</sup>

**TEXT:** "And those who are obliged by necessity may wear shoes".

#### EXPLANATION.

33

When the Lord sent forth the Apostles and the seventy-two disciples to prepare the way for His coming, He bade them "carry neither purse, nor scrip, nor

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<sup>1</sup>Trienekens, *Op. cit.* Pars II. c. II., n. 114.

<sup>2</sup>Const. Gen., n. 153.

<sup>3</sup>Ibid. n. 151.

<sup>4</sup>As regards the papal dispensation to wear secular clothes, granted the members of some of the Provinces in the U. S., confer Provincial Ordinances of said Provinces. (For Ordinance of Sacred Heart, Chapter II., n. 14).

shoe". (Luc. X, 4). Our holy Father, so Christ-like in all respects, took occasion from this divine instruction to forbid his own disciples the wearing of shoes, excepting cases of necessity. In reference to this precept Pope Innocent XI says: "The friars are obliged to go about without any foot-covering of whatever material, unless there is a real necessity to be approved by the superiors".<sup>1</sup> Urban VIII is no less clear and precise in his instruction "that the friars without express permission may not wear shoes, nor any other covering for the feet, whether it be of cloth or of any other material whatsoever".<sup>2</sup>

Accordingly we are forbidden under mortal sin to wear foot-gear of any kind, without necessity, such as shoes, boots, slippers, made of leather, or of other material; for all these come under the signification of shoes.

The wearing of socks and stockings is also included in the prohibitions of Innocent XI and Urban VIII: "without any foot-covering of whatever material"—"nor any other covering for the feet". The General Constitutions, therefore, declare that "the friars shall go about in open sandals, to the exclusion of any other covering for the feet of any material whatsoever", etc.<sup>3</sup> Are stockings, however, forbidden with the same strictness as shoes and slippers? Such is the opinion of some authors, to whom the case is evident from the aforementioned declarations of the Popes. According to Kerkhove, Kazenberger, Trienekens and others, however, the use of stockings without a reasonable cause would not exceed the guilt of venial sin, because they are not worn as exterior foot-gear, such as shoes and slippers.<sup>4</sup> Leggings, or half-hose, (be-

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<sup>1</sup>Bulla, "Sollicitudo".

<sup>2</sup>Bulla, "Sacrosanctum".

<sup>3</sup>Const. Gen., n. 144.

<sup>4</sup>Cfr. Kazenberger, Op. cit. Cap. II. Q. 4. Respondeo 2. Infertur 1; Trienekens, Op. cit. P. II., C. II., n. 120.—General permission is given to the Friars of the Sacred Heart Province to wear stockings during the cold season, (Prov. Ord. of the S. H. Prov. n. 11).

cause they do not cover the feet), are declared lawful by the greater number of authors;—and as to sandals, their use has never been questioned.

Since the precept under consideration strictly bans the *wearing*, or *habitual use* of shoes without a grave cause, it would require a notable period of time to fail seriously against this point of the Rule. Any reasonable cause will justify the use of shoes or slippers for short intervals. In certain provinces the guest-rooms, especially during the cold days of winter, are furnished with a pair of slippers, to dry and warm the chilly feet of tired guests. Who will consider this token of hospitality a transgression of the Rule? The urgent necessity for a more or less continual use of shoes must be adjudged from the condition of the person in question, or from the circumstances of time, place, etc. But, as it is the duty of the superiors to decide in these matters according to their conscience—for so the Popes Clement V and Innocent XI have declared—the friars should apply to them in their necessities and abide by their decision. “The ordinary discomfort”, says Trienekens, “which all commonly feel from the cold or dampness of the weather, cannot be urged as a necessity for wearing shoes”.<sup>1</sup>

34 **TEXT:** “And let all the friars be clothed in poor garments; and they may patch them with sackcloth and other pieces, with the blessing of God”.

#### EXPLANATION.

According to Clement V the words of our holy Father, that “all the friars (superiors and their subjects) be clothed in poor garments”, are equivalent to a precept and refer both to the outer habit and the inner tunic. Hence, a friar who uses precious habits and tunics, even under the pretext of getting longer service from cloth of costly and finer texture, sins mor-

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<sup>1</sup>Trienekens, Op. cit., P. II., C. II., 123.

tally in proportion to the quantity and quality of garments in use. The Rule, say the authors, does not prescribe that a Friar Minor wear garments which last longer, but which are *poor*, that is, of an inferior quality.<sup>1</sup> "Whatever is used by the poor", says St. Bonaventure in reference to this precept, "should be measured according to the standard of poverty".<sup>2</sup> The General Constitutions, therefore, admonish all to have constant regard for the meanness of the garments in price and color. "Roughness and poverty of dress should never be wanting". Moreover, for the sake of greater uniformity in this matter they ordain that each provincial with his definitorium determine the price and heaviness of the cloth for his own province, according to the circumstances of places and climates; likewise, that he provide the cloth for all his convents, or at least designate the place where it should be procured by the guardians.<sup>3</sup>

No friar is struck with surprise to hear that St. Francis, the Poverello, encouraged the patching of old garments. Hence, both subjects and superiors are exhorted by the General Constitutions to attend to the mending of their habits and tunics, which have become worn by constant use; for it behooves members of a mendicant Order to wear patched clothes.<sup>4</sup> While observing poverty of clothing, we should, however, avoid all singularity and excess in patching, and have the greatest regard for cleanliness, yet always with becoming modesty and simplicity.<sup>5</sup>

The use of poor garments is only one of the trademarks of Franciscan life and habits. Hence, all other things in use should perfectly harmonize with our profession of holy poverty.

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<sup>1</sup>Cfr. Kazenberger, Op. cit. Cap. 2. Q. 4., Resp. 3., Infertur. Cfr. Trienkens, Op. cit. P. II., cap. II., n. 124.

<sup>2</sup>St. Bonav. Expos. Reg. Cap. II., n. 24.

<sup>3</sup>Const. Gen., nn. 135-137.

<sup>4</sup>Ibid. n. 149.

<sup>5</sup>Ibid. n. 135; 150.



**TEXT:** "Whom I admonish and exhort not to despise nor judge men whom they see clothed in soft and fine garments, using choice food and drink, but rather let each one judge and despise himself".

EXPLANATION.

35

While sharing the clothing and frugal meals of the poor according to the requirements of our holy state, we should guard against uncharitable criticisms of others, whose table is more sumptuous, and clothing more fine and costly than ours.

Thanks to the Seraphic Father for this timely admonition, since one of the temptations by which Satan finds easy access to the hearts of the religious and the so-called pious folk, is a subtle and milder form of haughtiness and disdain. It prompts them to thank the good Lord with the Pharisee that they are not like other men. And yet many of the other men, whom God has destined for a less perfect state of life, may be higher in His estimation than these boasters of piety. "It should be understood", observes St. Augustine, "that there is no one that may not have some good, however hidden, that you have not. Do not imagine because you have good gifts which are visible, that another may not have good gifts in secret; possibly theirs may be better than yours, though you do not see them".<sup>1</sup>

The remedy suggested by our holy Father against this form of pride is self-contempt. "Let each one judge and despise himself". Such is the Gospel teaching on humility as preached and practised by Francis. "In his own estimation", says St. Bonaventure, "he was a great sinner, though he was in truth the mirror and the glory of all sanctity. He sought to abase himself, both in his own eyes and in the eyes of others, remembering the words of our Divine Master: 'That

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<sup>1</sup>St. August., De Diversis Question., LXXXIII., q. 71.

which is highly esteemed among men is hateful in the sight of God' ".<sup>1</sup>

In regard to this matter of unjust criticism it might be well to quote Father Albert Knoll of the Capuchin Order (Alb. a Bulsano), who takes those friars to task, that are in the habit of censuring their brethren of other provinces. "There are friars", he says, "who condemn in other Provinces everything that does not fully harmonize with the customs of their own. Such are proud and not solidly grounded in fraternal charity and rectitude of judgment. Let us therefore", he continues, "observe mutual reverence, and while rejecting all innovations in our province, let us not frown upon the customs of others, nor become the censors of their morals; let each one rather judge and despise himself".<sup>2</sup>

From the exposition of this second chapter of the Rule we clearly see that it contains five precepts obliging under mortal sin. First: that by no means it will be lawful for the friars to leave this Religion. Second: that the friars have one tunic with a hood and those who wish may have another without a hood. Third: that they may not wear shoes, unless compelled by necessity. Fourth: that they shall be clothed in poor garments. Fifth: all those things shall be observed as a precept which are placed in this chapter pertaining to the habit, both of the novices and of the professed, and which relate to the manner of reception and profession.—Besides these, the chapter contains a liberty to mend garments with sackcloth and other pieces, and an admonition not to judge or despise other men, but rather ourselves.

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<sup>1</sup>St. Bonav., Leg. Maj. St. Francisci, c. VI., n. 1.

<sup>2</sup>Alb. a Bulsano, O. Cap., Exposit. Reg. FF. Min., c. II., §34, IV.

## CHAPTER III.

### OF THE DIVINE OFFICE AND FASTING; AND HOW THE FRIARS SHOULD GO THROUGH THE WORLD.

**TEXT:** "Clerics shall recite the Divine Office according to the order of the holy Roman Church, except the psalter; wherefore they may have breviaries."

#### EXPLANATION.

36       The present chapter of the Rule contains three further precepts expressive of certain duties of the brethren towards God and themselves; also three holy admonitions bearing on their conduct towards their neighbor.

The first and foremost duty of every christian, particularly of every priest and religious, is that of prayer. This holy exercise should form the warp and woof of their daily life, or else they will surely fail of their end to glorify God and to grow in spirituality.

No one is more conscious of and interested in this all-important duty of divine worship than Mother Church. Hence to keep the fires of devotion to God constantly burning, she has composed for her priests and religious a prayer of great excellence, known as the Divine Office, or "Opus Dei". The large army of priests and religious are her chosen representatives at the court of heaven in the daily performance of this public, official prayer; her mouth-piece in chanting the praises of the Most High God.

Small wonder, then, that our Seraphic Father, than whom no saint was more instant in prayer and in devotedness to Mother Church, should love her Divine Office and by a special precept prescribe it for his clerics, as one of their principal occupations.

## I. THE DIVINE OFFICE OF THE CLERICS.

37

The clerics of the Order are not only the priests, but also the students for the holy priesthood, from the day of their reception into the novitiate.

The name “cleric”, which signifies “portion of the Lord”, is intended to remind its bearers that as God’s elect they have been called from the ranks of the laity for His own special service according to the words of the Savior: “You have not chosen Me: but I have chosen you; that you should go and should bring forth fruit; and your fruit should remain”. (Joan. XV, 16). As “portion of the Lord”, then, they should seek nought else but His honor and glory, a duty of which they are daily reminded, while chanting the divine praises in the very shadow of the tabernacle.

The words of our text, “the clerics shall recite the Divine Office”, etc., contain a precept according to Clement V.,<sup>1</sup> which strictly obliges all *solemnly* professed clerics of the Seraphic Family, regardless of sacred orders, to the recitation of the divine Office, *at least in private*. Besides this obligation there is another of the same binding force for all regulars introduced by custom centuries ago and embodied in the present law of the church. It reads: “All religious men and women with solemn vows are obliged to the private recitation of the divine Office, if they have been absent from choir”.<sup>2</sup> Lay-brothers are exempt from this law. St. Francis, however, has prescribed for them a special prayer, most sublime in its simplicity, the Our Father, which will be considered in its place.

As regards the obligation to attend choir, it cannot be deduced from the Rule, nor from the declarations of the Supreme Pontiffs. Canon Law, however, which sanctions an ancient custom of the church, de-

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<sup>1</sup>Exivi, Art. 3., n. 2.

<sup>2</sup>Can. 610, §3.

crees that "all religious, whether male or female, who are obliged to choir-service, are bound to perform it daily in every house, where there are at least four members, who are not lawfully prevented, and even fewer, if the constitutions so prescribe.<sup>1</sup> Our constitutions counsel and exhort the fathers, in places where the number is less than four, to recite the canonical hours in choir, in as far as it is possible.<sup>2</sup> Where there are at least four, "all shall convene for the performance of the divine praises in choir; and no one under any pretext of privilege or superiority shall be considered free from choir-service, except during the time that he is lawfully engaged in the duties of his office. Should anyone be hindered from attending choir, he may be absent with the permission of the guardian or the superior, if the necessity is of short duration; otherwise permission must be obtained from the Minister Provincial, who shall not grant it except for a grave cause".<sup>3</sup>

The obligation of choir-service is a grievous one for the local communities as such, and the superior as its responsible head would incur the guilt of mortal sin, if through his negligence a notable part of the Divine Office were not recited in choir. In common with the Superior this grave responsibility devolves on the subjects, including even those who are under simple vows. So strict is choir-service, that individual members would sin mortally by non-attendance, if their presence were necessary for the required number and they were not excused for a grave reason.

Clerics with simple vows, excepting those in major orders, are not obliged to recite the Divine Office privately, even if they absented themselves from choir without a sufficient reason. They must attend choir, however, in the same manner as those under solemn

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<sup>1</sup>Can. 610., §1.

<sup>2</sup>Const. Gen., n. 163.

<sup>3</sup>Ibid. nn. 162-163.



vows.<sup>1</sup> Nevertheless, they are earnestly exhorted in the Lord by the "Incitamenta Seraphica" of the Acta Ordinis Minorum [Vol. 5., an. 1886, p. 187, n. 18. (1)], "for love of the Rule, which they soon intend *solemnly* to profess, to be willing to recite the office even out of choir".

38 In the precept under consideration St. Francis gives us another example of his fine sense of loyalty to Mother Church. While other religious institutes of his day were using their own form and rite of the "Opus Dei", Francis took care to conform to the general laws of the Church by legislating that the clerics of his Order "recite the office according to the order of the Holy Roman Church". An exception is made (in the precept) with regard to the psalter of the Roman Church, known as the Roman Psalter. This psalter, which was revised by St. Jerome according to the text of the Septuagint, is peculiar to the Church of St. Peter at Rome, being in use only by the Cardinals. St. Francis adopted the so-called Gallican Psalter which was originally intended for the churches of Gaul, but is now the most commonly used Psalter in the Catholic Church. It is a second and more carefully revised edition of the Italic version of the Psalms by the same Holy Doctor.

As the recitation of the Divine Office is a grave obligation, the culpable omission of even a notable part thereof would be a mortal sin. A notable part is commonly regarded by the theologians to be one Little Hour (excepting the Vespers on Holy Saturday), or its equivalent.

The Divine Office is a daily recurring duty, which must be discharged within the space of twenty-four hours, i. e., from midnight to midnight of each day. Matins and Lauds, when said privately, may be anti-

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<sup>1</sup>Cfr. S. Congr. super statu Reg. 6 Aug. 1858 et S. Congr. Ep. et Reg. 24 Mart. 1882.—Cfr. Trienakens, Op. cit., P. II. cap. III., n. 130 et (3), (4), (5).

cipated as early as two o'clock in the afternoon for a just reason even without a special grant of privilege by the Holy See. Such is the opinion of approved authors sanctioned by the Sacred Congregation of Rites.<sup>1</sup> With regard to the choral recitation, the custom of the Church requires that they be said at midnight or in the morning, but not on the previous evening, unless there is a special law, indult, or custom to the contrary. According to a custom of long standing the Friars Minor may daily anticipate the choral recitation of Matins and Lauds.<sup>2</sup>

Prime and Tierce are assigned to the fore-noon. Sext and None may be said either before or after mid-day; Vespers and Compline, in the afternoon or towards evening. During Lent, excepting the first three days and all Sundays, Vespers must be chanted in choir before mid-day. Outside of choir there is freedom of choice.

This order or arrangement of Hours, even with respect to choir service, is regarded by approved authors as only a secondary precept and as a circumstance of light importance, hence, an inversion of the order without a just reason would probably not exceed the guilt of venial sin. To gain time for some important occupation, or to avoid the occasional danger of crowding the Office into the eleventh hour to the detriment of devotion—these are some of the reasonable excuses for any departure from the customary order of the Canonical Hours.

### Manner of saying the Office.

39 The manner of saying the Divine Office requires that the recitation be vocal, entire, continuous and devout.

a) By a *vocal* recitation is meant an actual formation of the words and syllables by the organ of

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<sup>1</sup>Act. Ord. Min., Jul. 1905, pp. 243-244.

<sup>2</sup>Caerem, Rom.—Seraphic. Lib. I. Pars III. Cap. I. n. 155,

speech. A mere mental reading of the Divine Office, therefore, will not satisfy the precept, for it is a vocal prayer. However, according to St. Alphonse, there is no obligation to hear oneself articulate the separate words. He who recites the Office in choir or with a companion fully complies with his duty by saying his part of the canonical prayer and listening attentively to the other side.

b) The recitation of the Divine Office must be *entire* or complete, without any mutilating, clipping, or swallowing of words and syllables. The General Constitutions warn us against such a corruption of the “Opus Dei” by emphasizing that “one part of the choir shall not begin to recite until the other side has finished, and a pause at the asterisk shall always be observed”.<sup>1</sup> A notable mutilation of the Divine Office through sheer negligence, may incur mortal sin, unless the garbled parts are repeated. If the mutilation be small in quantity, the sin is venial. Inadvertence and natural defects of speech excuse one from all guilt of sin.

c) The recitation of the Divine Office should be *continuous*, without unnecessary interruptions. It is lawful, however, to interrupt a Canonical Hour, or even a psalm for any reasonable cause. Nor would a notable interruption without a cause be more than a venial sin.

d) Finally, the Majesty and Holiness of God, as well as the purpose of the Divine Office require, that we say it *with proper devotion*. “Christ”, says St. Bonaventure, “deigns to be truly with us here, both sacramentally and spiritually, according to His promise, ‘Behold, I am with you all days, even to the consummation of the world’,<sup>2</sup> and hence it behooves us to the best of our ability to render Him honor and praise according to the example of the celestial spirits, so

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<sup>1</sup>Const. Gen., n. 165.

<sup>2</sup>Math. XXVIII., 20.

that even though we do not praise Him continuously, as those heavenly chanters do, we sing at least from time to time His praises in spite of our frailty, imitating 'that Jerusalem, which is above—which is our mother' (Gal. 4, 26)".<sup>1</sup>

There can be no proper devotion in the recitation of the Divine Office without the intention of making it a reasonable and god-pleasing service, for such is its purpose as an act of divine worship. This intention is signified, though not actually expressed, in the deliberate act of taking up the breviary and of reciting the Hours as the Church directs. Hence it is called virtual intention.

A second characteristic of true devotion in the Canonical Hours is *attention* or *advertence* of the intellect to this holy converse with God. We distinguish between *external* and *internal* attention, of which the former is the mere avoidance of all actions not compatible with the recitation of the Office, such as sleeping, writing, etc.

Internal attention may be directed principally to the correct pronunciation of the words, and then it is called material or superficial attention—or to the meaning of the words, which is known as the literal attention;—or finally to the end of prayer, which is God in His divine perfections or mysteries; and this we call spiritual or intellectual attention.

According to St. Alphonse and other theologians the external attention joined to the virtual intention of worshipping God in the Divine Office will suffice to satisfy the obligation. A consoling truth, when the mind is besieged by a host of distractions! No fervent priest and religious, however, will rest content with the bare minimum, or with the mechanical and slothful utterance of words and nothing more. Let it be our earnest endeavor to chant the praises of God "wisely" according to the counsel of the Psalmist, "Psallite

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<sup>1</sup>St. Bonav. Sex alae Seraph. c. VII., n. 5.

sapienter" (Ps. 46, 8), by directing the mind to understand something at least of the wealth of pious sentiments expressed by those heaven-inspired psalms. How well they are adapted for setting the heart astir with similar affections of thanksgiving, humble and deep adoration, boundless confidence in God's power, goodness and mercy, petition for His fatherly assistance, reverential fear, contrition and repentance for past infidelities! Would that our hearts were warmed to prayer like that of St. Augustine by the psalms, hymns and canticles of the breviary! Listen to this outpouring of his heart: "Oh how fervently I uttered my service to Thee, O my God, when I read the psalms of David, those songs of faith, those breathings of piety! How I was set on fire by them; and how I burned to have them recited throughout the universal world, that they might bring the human spirit to Thy feet! How I wept over Thy hymns and canticles! The words of them streamed into my ears, and with them came the truth into my heart; and piety grew warm within me".<sup>1</sup>

As to the intellectual or spiritual attention, perhaps the best and easiest way of furthering devotion is to keep in mind, as far as possible, some scene of Our Lord's Passion, or simply the ever-abiding presence of God, while adapting to our personal needs the aforementioned sentiments contained in the psalms and other parts of the Divine Office. Our model in this respect as in so many others is the seraphic Father, of whom St. Bonaventure writes: "He recited the psalms with such attention of mind and spirit, as if he had God present within him; and whenever the name of the Lord occurred in them, it seemed to leave a sensible sweetness on his lips".<sup>2</sup>

**TEXT:** "But the laics shall say twenty-four Our Fathers for Matins; five for Lauds; for Prime, Tierce,

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<sup>1</sup>Confessions of St. Augustine, IX., cc. 4-66.

<sup>2</sup>Legenda Major S. Franc., c. X., n. 6.



Sext and None, for each of these, seven; for Vespers, however, twelve; for Compline, seven; and let them pray for the dead”.

#### EXPLANATION.

40

These words of the precept regarding the Divine Office prescribe the manner in which our lay-brothers should daily magnify the Lord. The Lord's Prayer of the brothers is not expressly mentioned by Clement V in his enumeration of the precepts of the Rule; but this, it seems, was not necessary, since the entire text regarding the prayer of the clerics and laics goes to make up only one precept. Such has been the unanimous conviction of the expositors of the Rule from the beginning; and, to remove all doubt, it was so declared in the year 1523 by the General of the Order, Fr. Francis De Angelis.

No mention is made in the Rule of the “Hail Mary” in connection with the Lord's Prayer. Custom, however, has introduced the practice of adding the Angelic Salutation out of piety to the Virgin Mother of God; but according to the more common opinion it is not of obligation.

Since the recital of the seventy-six Our Fathers mentioned in the text is a daily duty binding under mortal sin, a lay-brother would fail of his duty grievously, if he culpably omitted the entire Office or a notable part thereof. But what constitutes a notable part? It is not certain. However we may safely follow the judgment of those, who maintain, that a grievous matter would be the culpable omission of so many Our Fathers, as can be said during a small Canonical Hour of the clerics,<sup>1</sup> which is about twenty.

The time-period for the daily Office of the lay-brothers is the same as that of the clerics. Hence, they are bound under mortal sin to say it daily within

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<sup>1</sup>Trienekens, Op. cit., P. II. c. III., n. 137.

twenty-four hours, from midnight to midnight, with the privilege of anticipating the twenty-nine Our Fathers for Matins and Lauds.

They may also say their Office in common and alternately. Culpable negligence to comply with the precept to recite the Office within a day, though grievously sinful, does not oblige one to supply the omission on the following day; because the Office is the burden of a day. No doubt, *the brothers under simple vows* have the pious custom of saying the Our Fathers of the Rule, a custom which is much to be encouraged; although they are not strictly bound to do so before, their solemn profession for the same reasons which excuse the simply-professed clerics from reciting the Canonical Hours.

The holy Rule adds concerning the lay-brothers, **“and they shall pray for the dead”**; but since it does not specify either the kind or number of prayers to be said, any additional prayer or prayers will suffice to comply with this duty. For the rest, our brothers should be governed in this matter by the custom of their respective province.

The Our Father, which St. Francis enjoined upon the brothers as their Divine Office, is a most perfect pattern of prayer. It teaches them daily to ask for the things conducive to the glory of God and the sanctification of their soul. To this end they should always endeavor to say it with proper attention of mind and fervor of heart, with faith and confidence; else their constant repetition of the Our Father will be a mere lip-service, devoid of meaning and merit for Heaven.<sup>1</sup>

**TEXT: “And they shall fast from the feast of All Saints to the Nativity of the Lord. But the holy Lent which begins from Epiphany and continues for forty**

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<sup>1</sup>See paraphrase of the Our Father by St. Francis in the Appendix n. III, p. 171.

days, which the Lord has consecrated by His holy fast,—may those who keep it voluntarily be blessed by the Lord and those who do not wish may not be obliged. But they must fast during the other (Lent) to the Resurrection of the Lord. At other times, however, they shall not be obliged to fast, except on Fridays. But in time of manifest necessity the friars shall not be bound to corporal fasting”.

#### EXPLANATION.

41

After providing for a daily offering of our hearts to God in the canonical prayer of the Church, St. Francis prescribes also a reasonable sacrifice of our bodies by the practice of fasting. The Rule imposes a triple Lent, viz.: 1. from the feast of All Saints until Christmas; 2. from Ash-Wednesday to Easter, the so-called Lent of the Church; 3. on all Fridays of the year. According to the present practice of the Church all Sundays, as also holydays of obligation outside of Lent, are not considered days of fast or abstinence.

Before the new Canon Law went into effect May 19, 1918, it was customary to regard abstinence from flesh-meat an integral part of fasting, so that a day of fasting meant also a day of abstinence. The present Code, however, clearly distinguishes between days of fast only, days of abstinence only, and days of fast and abstinence. As often, therefore, as a fast is prescribed without the express mention of abstinence, the entire essence of such a precept consists in allowing but one full meal a day. Such is the case with the fast of the Rule from All Saints till Christmas, which says nothing about abstinence. And since abstinence in itself is no longer an integral part of the law of fasting, the Friars may eat meat at one meal during this fast, excepting the Fridays, the ember-days and the vigil of Christmas.

For the same reasons the friars may eat meat on

Fridays in those dioceses, in which the local ordinaries have for stringent reasons granted a special indult to this effect to the faithful under their jurisdiction, and have not expressly excluded the religious.

As regards the mitigations and dispensations of fasting and abstinence prescribed by the general law of the Church, they also benefit religious, unless they are excluded from the indult; but fasts and abstinence prescribed by their rule and constitutions are not mitigated by a general indult or law, unless such indult or law expressly includes religious. Such is the declaration of the Sacred Congregation for Religious, Sept. 1, 1912. The new Code also emphatically states that the general legislation of the Church on fasting and abstinence "leaves unchanged the constitutions and rule of approved orders or congregations of religious".<sup>1</sup> In reply to a doubt of the friars, whether the general law of the Church, which exempts the faithful from fast and abstinence on holydays of obligation outside of Lent, likewise suspends the precept of fasting prescribed by their Rule on such days, the Congregation, May, 1921, answered in the negative. Thus, for instance, the feast of the Immaculate Conception is a day of fast for the friars, though no longer a day of abstinence, as already explained.

42 There is no obligation, as seen from the text, to observe the lent of forty successive days commencing with the feast of Epiphany, and called the "Benedicta" which the Seraphic Father was accustomed to observe, and to which he attaches a special blessing. The constitutions, however, instruct the superiors to make "suitable provision for those who laudably desire to keep this fast and at the end of the forty days, to impart the blessing contained in the ritual of the Order".<sup>2</sup> They also prescribe but merely as a statute fast and

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<sup>1</sup>Can. 1253.

<sup>2</sup>Const. Gen., n. 199.

abstinence on the vigil of the feast of our holy Founder and Patriarch.<sup>1</sup>

43

Apart from the three fasts specified in the Rule, the friars "shall not be bound to fast at other times", says St. Francis. Does this imply that they are exempt from the fasts prescribed by the Church, namely, on certain vigils and on Ember Days? By no means. "It is not likely", says Clement V., "that the founder of the Rule intended to exempt his brethren from observing those fasts, to which other Christians are obliged by the common statute of the Church". However, since the friars are on a par with the other faithful in regard to the church-fasts, there is no obligation to observe them, before they are fully twenty-one years of age, or after they have commenced their sixtieth year. Nearly all the expositors of the Rule, however, claim that the friars under twenty-one years of age are obliged to the fasts of the Rule in virtue of their profession; but some hold such friars excused, for the reason that our fasts are not vows but precepts, and the precepts of the Rule oblige after the manner of the laws of Mother Church. This opinion may be safely followed as solidly probable. The same argument holds for all friars over sixty years of age.<sup>2</sup>

**"But in time of manifest necessity the friars shall not be bound to corporal fasting".** These words enunciate a general principle of the moralists: that an evident physical or moral necessity excuses one from the law of fasting. Such a necessity may arise from various causes, as bodily weakness, infirmity, age, hard and exhausting labor, and the like. In cases of doubt as to the sufficiency of the reason (for exemption from the law of fast), recourse should be had to the superiors, who can supply by their authority to dispense, what is, perhaps, wanting in the real necessity.

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<sup>1</sup>Ibid., n. 198.

<sup>2</sup>Trienekens, in Op. cit., P. II., c. III., nn. 141 et 142.



**TEXT:** "And I counsel, admonish, and exhort my friars in the Lord Jesus Christ, that when they go through the world, they neither quarrel nor contend in words, nor judge others; but let them be gentle, peaceful, and modest, meek and humble, speaking uprightly to all as it becometh".

#### EXPLANATION.

44

These touching and impressive counsels and exhortations are another evidence of our holy Father's solicitude, that his beloved brethren walk worthy of their holy vocation. Francis was inspired from on high to found an *Apostolic Order*, which would naturally bring his disciples in more or less frequent contact with the world they were destined to reform. But the wise and prudent Father foresaw danger, in this mingling with seculars. He therefore felt himself in duty bound to warn his disciples against certain vices and to enforce the practice of the social virtues, lest their bad example pull down and bring to naught what their apostolic labors are intended to build up, improve and advance for the glory of God. "I counsel my friars", he says, just as one would advise a dear friend; "I admonish" them as a brother; "I exhort" them as their father "in the Lord Jesus Christ", to whose sublime teaching and example I earnestly appeal, "that they neither quarrel" among themselves and others, "nor contend in words", by insulting rudeness in speech and manner, by obstinacy of opinion, by the spirit of strife and rivalry; "nor judge others" by misconstruing their words and actions. In the preceding chapter Francis condemned all pharisaical criticism of those, who dress richly and fare sumptuously. Here he cautions against misjudging *anyone*, for charity "thinketh no evil" (1 Cor. XIII, 5). Moreover, there is the warning voice of Jesus: "Judge not, that you may not be judged" (Matt. VII, 1). Our holy Father continues: "Let them be gentle" in imitation of the meek

Heart of Jesus, free from all impetuosity, irritableness and unholy anger; "peaceful" by foregoing their own rights and convenience, where there is no higher principle at stake and gladly yielding to the will of others, if it be to the advantage of christian peace among men. Let them be "modest" by a proper control of their behavior, by disciplining their senses, words and actions. Let them be "meek", by learning also to suffer patiently injuries, contempt, scorn, and insults for the sake of God. Let them be "humble" by not seeking honors of any kind and shunning all glory. Nor should they rest content with this, but rather may they endeavor to realize in their person the definition of humility, which is a virtue, by which man in the light of true self-knowledge, despises himself, and seeks to be treated rather vilely than honorably.<sup>1</sup>

Finally, St. Francis exhorts his brethren to "speak uprightly to all, as it becometh", showing due respect in speech and manner to every one according to his state and position in society. The conversations of the friars should be seasoned with the salt of christian prudence and modesty for the edification and other spiritual profit of the hearers. Speech indicates character. If, then, the sons of St. Francis mimic the vain and supercilious ways of the worldling by indulging in idle, frivolous and irreverent talk, they give evidence of uncontrolled passion; they are not religious of character.

45 But all endeavors of the friars to practice these virtues abroad will be labor lost, unless they have learned to cultivate them in the cloister, within the narrower family-circle of their brethren, the daily companions of their religious life. A friar who is always civil and reverent towards his confreres, especially towards his superiors and elders, will easily ob-

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<sup>1</sup>St. Bonav., Expos. Super Reg. FF. Min., c. III., n. 12.

serve the seraphic counsels under consideration, and this through a habit of genuine virtue. The constitutions call attention to the duty of fraternal charity in unmistakable terms. They say: "Inculcating among the friars the precept of our Savior Jesus Christ on mutual love, we earnestly exhort all to walk everywhere with a sincere fraternal charity, to oblige one another in honor and reverence, to willingly help one another in compliance with charity, to totally avoid and abhor all jealousy and always to preserve carefully unity of spirit in the bond of peace".<sup>1</sup>

**TEXT: "And they shall not ride on horse-back, unless compelled by manifest necessity or infirmity".**

#### EXPLANATION.

46

According to Clement V the words of the text just quoted contain a prohibition, which has been classed among the twenty-five precepts obliging under mortal sin. Hence, in virtue of the Rule the Friars Minor are strictly forbidden to make a journey sitting on horse-back—such is the strict grammatical sense of the text—unless compelled by evident necessity or infirmity. Evident necessity may arise from various causes: the *length* of the journey and its *obstacles*—water, mud, snow, etc.—on which account it would be hard to travel afoot or otherwise without great inconvenience, or probable danger to health. Moreover, urgent duty, as for instance, to assist the dying, to hear necessary confessions, etc., which suffers no delay without serious damage or great risk.<sup>2</sup>

But why has St. Francis so strictly forbidden his sons to ride on horseback? What was the end, the spirit of this precept? It was to safeguard humility, austerity and rigid poverty. Our holy Father and

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<sup>1</sup>Const. Gen., n. 331.

<sup>2</sup>Kazenberger, Op. cit., Ch. III., Q. V.

his early companions traveled mostly afoot like Christ and the Apostles; though nowhere in the Rule has he imposed this manner of traveling as a precept. However, he was most zealous in guarding his friars against the worldly pomp and luxury of the wealthy and influential classes of his day. One such display of pomp and power, it would seem, was horseback riding. Hence the strict precept against this mode of travel.

Many of the old expositors affirmed that the use of vehicles, whether two or four-wheeled, drawn by horses, was also forbidden by the text in question, but according to others, such as Marchant, Kerkhove, Kazenberger, this is unduly stretching the underlying sense of the words. To ride in a buggy or carriage does not mean literally to ride horseback. This opinion was confirmed by the Sacred Congregation of Bishops and Regulars, June 9, 1863, in answer to the question, whether and how the use of railroad cars was permitted to the friars of the Observance. The Congregation replied: "It is allowed for a reasonable cause with the permission of the superiors *as in the case of using carriages*, provided it be done in the spirit of humility". From this we justly conclude that neither the use of railroad cars, nor of carriages, to which they are compared, is forbidden by the text of the Rule.<sup>1</sup>

Regarding the use of the railroad we read in the constitutions: "Traveling by railroad is lawful for a reasonable cause and with the permission of the superior, and always with due regard for the spirit of humility in the mode of transportation. If, however, expenses must be incurred for traveling, the provisions required for recourse to money according to the prescription of our Rule shall be observed".<sup>2</sup> The same

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<sup>1</sup>See Trienekens, Op. cit., ed. I., c. III., n. 163.

<sup>2</sup>Const. Gen., nn. 229-230.

holds for the use of other modern vehicles, as automobiles, aeroplanes, etc.

In this connection it were well to remember the caution of the authors that a grievous offence may be committed, 1) on account of unnecessary expense through recourse to spiritual friends; 2) by reason of scandal or danger of the same, for instance, in procuring and using superfluous and luxurious automobiles.

**TEXT:** "Into whatsoever house they may enter let them first say: 'Peace be to this house!' And, according to the holy Gospel, it is lawful to eat of all food placed before them".

#### EXPLANATION.

47 St. Francis may well be styled "the herald of peace", for such he was by nature and by the grace of his extraordinary vocation. Even as a young man, a prisoner of war at Perugia, he played the role of peace-maker. Among his fellow-prisoners there was a knight, whose company all strictly shunned because of his pride and unbearable traits of character; but Francis treated him with the utmost forbearance and actually succeeded in reconciling him with his companions. The joyful patience and meekness of Assisi's favorite son helped to lighten the burdens and dispel the gloomy discontent of his surroundings. Later on, when inspired by the Gospel to break with the world and follow Christ, he also heard and took to heart these words of the Lord to His Apostles: "And when you come into the house, salute it, saying: 'Peace be to this house' " (Matt. X 12). For him this was a special message from Heaven, a part of his vocation. So he declared in the Testament towards the evening of his life: "The Lord revealed to me this salutation, that we should say: 'The Lord give thee peace'." Little wonder, then, that Francis inserted this Gospel-mes-



sage of blessed peace into his Rule, saying: "On entering a house they shall say first of all: 'Peace be to this house'."<sup>1</sup>

The liturgy of the Church prescribes the same salutation for the priests on entering the homes of the faithful to visit the sick and to administer to them her holy Sacraments. This counsel of Francis, though not a formal precept, should be piously observed by his sons, especially on their journeys, when enjoying the hospitality of friends and benefactors. Let it be a reminder of their duty as followers of Christ and His servant, Francis, to further by word and deed the sweet odor of peace and charity among men of good will.

48 As regards the liberty of the Rule granted to the friars, when abroad, to partake of all food that is placed before them, it was given on the authority of the Gospel, in which Christ bids His Apostles on their journeys to "eat such things as are set before them". Such liberty also conforms with holy poverty, which requires, that the friars, as poor mendicants of the Lord, gratefully accept whatever is given them in charity without the privilege of choice.

From the exposition of the third chapter of our Rule, it is evident that it contains three precepts obliging under mortal sin: *First*—that the clerics shall recite the Divine Office according to the order of the Holy Roman Church, and that the lay-brothers shall say the "Our Father"; *Second*—that the friars shall fast from the feast of All Saints to the Nativity of our Lord; from Ash Wednesday to Easter Sunday and on every Friday throughout the year; *Third*—that the friars shall not ride on horseback, unless compelled by evident necessity or infirmity.

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<sup>1</sup>See The Ideals of St. Francis of Assisi by Dr. P. H. Felder, O. M. Cap. chap. XIV., pp. 283-296.

## CHAPTER IV

### THAT THE FRIARS SHOULD NOT RECEIVE MONEY.

**TEXT:** "I strictly enjoin on all friars that in no wise they receive coins or money, either themselves or through an interposed person".

#### EXPLANATION.

49

One day as Francis, before his final break with the world, was attending Mass (it was a Mass of the Apostles), he heard the officiating priest read the Gospel on the mission of Christ to His chosen band of twelve. It made a deep impression on the guileless youth, who had come to church to obtain more light from Heaven with regard to his vocation. One passage in particular absorbed his whole attention. It contained the rule of evangelical life, which Christ enjoined upon His Apostles when He sent them out to preach. The passage reads thus: "Do not possess gold, nor silver, nor money in your purses; nor scrip for your journey, nor two coats, nor shoes nor a staff" (Matt. X. 9-10). "When this true lover of Apostolic poverty", writes St. Bonaventure, "heard these words, he was filled with inconceivable joy. 'This', he said, 'is what I above all things desire. That is what my whole heart craves'."<sup>1</sup>

According to the holy Fathers Christ gave this rule of life to His Apostles to guard them against avarice, for "nothing is more wicked", says Ecclesiasticus, "than to love money".—"Gold and silver hath destroyed many" (Eccli., X. 10; VIII, 3); then also to exercise them in filial confidence towards their heavenly Father, who has declared, that if He feeds the birds of the air, and clothes the lilies of the field, He will cer-

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<sup>1</sup>Leg. Major, c. III., 1.

tainly have more care for the needs of His own dear children. Thirdly, because money and superfluities open the door to luxury and effeminacy; but the strict followers and preachers of the Gospel of penance should become inured to a life of hardship and austerity. Finally, that the Apostles should be wholly intent upon preaching the word of God, and prevent all suspicion that the salvation of immortal souls was not their principal aim of life.

For similar reasons has our holy Father forbidden his friars to receive money, and in such a way, as to leave no room for doubt or evasion. "I strictly enjoin", he says, as founder and lawgiver, "on all the friars" from the highest superior down to the least of the subjects, "that in no wise", under no pretext whatever, "they receive coins or money", that is, any kind of money, "either themselves", that is, personally, "or through an interposed person", one appointed by them or by another person to receive money in their name.

St. Francis makes mention of "*denarii vel pecunia*", coins or money. These expressions according to the greater number of expositors signify the same thing, *money*, in whatever form it be legally issued. "They are in no way distinct from each other", says Kazenberger, "unless in this, that the word *pecunia* is a generic term relating to *all* money, whereas the word *denarius* is specific and relates to a particular kind. Wherefore they are both used indiscriminately by Nicholas III and Clement V in their declarations. Sometimes, indeed, they use the word *pecunia* only, as will be clear to anyone who reads the declarations".<sup>1</sup>

Some expositors of the Rule would have us believe that the term *denarius* means money proper and *pecunia* denotes all other things of value, things that are priced by a money-standard. This interpretation of the precept is too strict and would make it unlaw-

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<sup>1</sup>Kazenberger, Op. cit., chapt. IV. Q. 1.

ful for the friars to receive anything of money-value, such as habits, breviaries, etc., for their personal use, or other things which can be sold or exchanged for such as are more useful and necessary.

50 The precept on the prohibition of money is called by Popes Innocent XI and XII the "*Capitale Praeceptum*", the most important command of the Rule. Its purpose according to St. Francis seems to have been to preserve the Order from all worldly cares and solitudes about its livelihood, which are mainly occasioned and increased by the use of money. "Money and its commercial use", says Felder,<sup>1</sup> "had in the days of Francis achieved an importance heretofore undreamt of. Toward the end of the twelfth century, money as a medium of exchange had, to all practical purposes, replaced the old system of trade and barter. Enormous wealth on the one side; poverty of the masses on the other; and on the part of both, the insatiable greed for mammon—that soon became the dread symptom of the time. Poets and preachers of the thirteenth century depict in somber colors these evil results of the new system of economics. Francis had been a witness from earliest youth of the spread of this new system; he himself had experienced the passionate greed of his own father. The result was an irresistible repugnance to everything which meant money or its equivalent".

For a better understanding of this important precept let us consider in detail the following questions: What meaning is attached in the precept to the terms, "money", "to receive money", and, "interposed person"?

1) Money as strictly forbidden by the Rule is anything established by the civil government as a standard of value and a medium of payment, whether it be in the form of coin (gold, silver, copper, etc.), or of

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<sup>1</sup>Ideals of St. Francis of Assisi, chapt. VII, p. 120, n. 1.

paper. As regards bank-notes, bills, or checks, and such like, they are not money of their very nature, but merely written securities or bonds of some private concern (society). In many countries, however, they have been legally declared by public authority to be instruments of purchase or money. Moreover, practically in all places, where such a law does not exist, these checks with the consent of public authority are commonly regarded and used as paper-money in civil society.<sup>1</sup> Such is the case in the United States.

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2) Now, when would the Friars Minor be said to receive money by themselves (per se) contrary to the fourth chapter of the Rule? Whenever they accepted it immediately and personally as money, either to possess or use it commercially as an instrument of payment. Such is the meaning of the papal declarations on this point of the Rule. "With regard to money", says Nicholas III, "the friars may have no right to it whatever, nor may they administer or dispense it".<sup>2</sup>

In his Bull *Sollicitudo Pastoralis*, Innocent XI expressly declares that "the Friars Minor can have the use, though not the dominion of other things; of money, however, they can have neither the use nor the dominion, and therefore all handling of money which is not purely natural or which is in any way pertaining to commerce, *whosoever the owner of the money may be*, is entirely forbidden".<sup>3</sup>

From the foregoing it follows that a Friar Minor sins against this precept of the Rule: (1) who accepts money for the purpose of retaining, or of using it for himself or others; (2) who keeps money in his cell or in some other secure place, although it belongs to someone else; (3) who carries money about with him or who has and carefully preserves a key to the treasury; (4) who places alms-boxes of whatever

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<sup>1</sup>Cfr. Trienekens, Op. cit., P. II. c. IV., n. 172.

<sup>2</sup>Exiit, Art. 6, n. 2.

<sup>3</sup>*Sollicitudo Pastoralis*, n. 2.



kind in the houses or churches of the Order to receive offerings of money for our purposes; (5) who loans money deposited for our necessities to others, with or without interest; (6) who with the authority of a master requires a strict account of money deposited in our favor, or who demands it for spending; (7) who accepts checks or drafts payable to the Order, or who gives a formal receipt for money received. Hence the regulation of our constitutions: "If it should at times be necessary for the friars to make out a document for money received by the syndic or his substitute, let it be done in language not repugnant to our Rule, as if the guardian were merely to say that money had been received".<sup>1</sup>

It is not forbidden, however, to touch money physically, in order, for instance, to examine it through curiosity; to put it in a safe place for the benefit of the owner; to take it by force from a thief and return it unconditionally to the owner; to receive coins for their intrinsic value to be converted into sacred vessels for divine service, and the like. Such and similar cases imply a mere natural handling of money, which does not offend against the Rule, although it is more in accordance with the spirit of St. Francis to abstain also from such handling of money, as far as possible. This is a positive duty in case of scandal.

52      3) As to the third question: Who is an intermediary or interposed person in the sense of the Rule? An intermediary is any person commissioned or induced to accept, keep, or expend money *in the name of the friars*, to whom his actions in this regard would be justly imputed, even if they personally refrained from touching one cent.

It is not a breach of the Rule, however, to allow a benefactor to entrust another with money for our needs, or even to procure a suitable person for such

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<sup>1</sup>Const. Gen., n. 241,

a charge. The appointee, though recommended by the friars, would be an agent for the benefactor, by whom he were commissioned. Moreover, if a superior, or a subject with the superior's permission, asked a benefactor to supply our wants from his own purse, or from money deposited with him for our benefit, said benefactor could not be considered an interposed person, since the money-alms would be spent in his name, but not in the name of the friars.

In times of extreme and grave necessity the Friars Minor could licitly receive money either personally or through an intermediary and use it to tide them over their state of distress. This is a privilege of the natural law, by which we are bound to preserve our bodily life in any manner possible. So it has also been declared by Nicholas III. Such cases may happen to missionaries of the Order, who are working in pagan and infidel countries; also to other friars in times of famine, persecution, etc. In emergencies of this kind the Apostolic See will readily grant the necessary dispensations to ease the consciences of those concerned. The extent of such dispensations must be learned from the text of the papal document, which will suspend the force of the Rule on the use of money under certain restrictions. The aim of the Holy See is to provide for the real necessities of the friars without opening the door for abuses. In his letter of dispensation to the missionary friars in Morocco shortly before the death of St. Francis, Pope Honorius writes: "We dispense you from the prohibition of money for the above-mentioned regions, as long as the necessity exists, on the condition that you do not allow yourselves to be seduced by cupidity to misrepresent the actual conditions".<sup>1</sup> Thus such dispensations were granted even during the lifetime of St. Francis. Unfortunately for the strict observance of the precept under discussion

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<sup>1</sup>Bull "Ex parte", March 17, 1226, Bullar. franc. 1, 26 n. 25,

such dispensations became more frequent since the days of the Poverello. Felder justly attributes it to "the constantly increasing commercial use of money". "Today", he says, "this commercial use has become so common and so general that the Order simply could not exist nor carry on its work properly without such dispensation. No one deplotes this more than the sons of the Poverello. Every true Franciscan regards it as a bitter tribute to the demands of the modern economic system, as often as he is forced to accept money for his livelihood, be it in the form of alms, or as a stipend for his labor".<sup>1</sup>

**TEXT:** "Nevertheless, for the necessities of the sick and for the clothing of the other friars, let the ministers only and the custodes take watchful care through spiritual friends, according to places and times and cold climates, as it may seem to them expedient in the necessity, saving always, that, as has been said, they receive neither coins nor money".

#### EXPLANATION.

53

Our holy Father Francis, though absolutely opposed to the use of money, would not have his brethren deprived of the necessities of life. However, in order that the service of God might not suffer harm from the distressing cares and anxieties about our livelihood, the superiors have been burdened with the duty of providing for the needs of the friars. Clement V has declared this text of the Rule to be a precept binding under mortal sin.

St. Francis expressly mentions "the ministers (Ministers Provincial) only and the custodes" as the providers for the brethren. From the fact that the

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<sup>1</sup>Ideals of St. Francis of Assisi, Chap. VII, p. 129.

NOTE--For the reason mentioned above dispensations have been granted to the Ministers Provincial and their subjects in our country of North America to use and handle money under certain conditions. For the dispensations given the Province of the Sacred Heart of North America see Ordinances of said Province, Chap. IV, n. 35.

term "custodes" has not the same signification throughout the Rule, a number of authors with St. Bonaventure as their authority understand the title in this precept as also applying to the guardians. Be this as it may theoretically, the guardians and all other local superiors, as well as the vicars in their absence, are *ex officio* commissioned by the General Constitutions to provide faithfully for the needs of the community under their charge.<sup>1</sup> By special commission other friars may be and are occasionally entrusted with the duty of providing for the brethren. Those concerned who fail to provide for the necessities of the friars according to our state of life sin either mortally or venially in proportion to their degree of negligence.

Recourse to spiritual friends is forbidden the other friars, excepting cases of real necessity, for the Rule says: "the ministers only and the custodes". The word "only", as is evident from the declaration of Nicholas III, peremptorily excludes all others not commissioned for this charge. Hence, if a subject on his own authority has recourse to spiritual friends, he commits a sin against this precept, but not against the vow, unless he receives the thing procured and uses it without the permission of the superior.

The text in question makes mention only of the sick and the clothing of the friars, but Clement V expressly declares that it implies all real necessities of the brethren. Provisions must be made through spiritual friends, which the same Pope calls "recourse to spiritual friends".

### Recourse to Spiritual Friends.

54 A spiritual friend in the sense of the Rule is one who at the request of the friars procures certain necessities for them with money, or pays for the things already procured. He is not a benefactor according to

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<sup>1</sup>General Const, n, 235.

the Rule, for the latter is understood to be one who gives a free-will offering in the form of money for our needs, or one who makes a donation of things that we can use, whether he be asked or not.

Nor must a spiritual friend be confounded with an interposed person forbidden by the Rule, who receives and expends money in the name of the friars, whereas the former does so either in his own name, or if he is a substitute, in the name of the donor, but not by authority of the friars.

Finally, the spiritual friend is not the Apostolic Syndic, who as the appointed agent of the Pope, receives, holds, and administers in our behalf, those gifts of benefactors, of which the ownership has been ceded to the Holy See. Only in case the Apostolic Syndic provided for our necessities from his own money, or from the money of another in the capacity of agent or substitute, could he be called a spiritual friend. Moreover, Martin V ordained, that none other but the Apostolic Syndic be proposed by the friars to receive and dispose of money given for their benefit, whenever the donors asked for a competent person to act in their name.

What, then, is meant by recourse to spiritual friends? It consists essentially in this that the friars request a person to expend *money* in their behalf. This is not a "mendicatio", or begging for some object, even if it would perchance have to be bought, but beyond the intention of the friar. Nor is recourse the same as the acceptance of a payment freely offered; for the idea of recourse implies that the request of a friar be intended by him to induce another to spend money for his benefit or that of another friar.

From the foregoing it is clear, that recourse to a spiritual friend need not be made directly, in express words, by saying, for instance: "Buy me that breviary, or rosary". It suffices for a friar to make known his need or wish in words, which not only in his own



mind, but also *of their very nature* tend to move a friend to purchase the thing desired. To cite an example. A friar says to a visiting friend: "There is a very good book to be had at such and such a book shop, which I very much desire. I would be grateful to the one, that procured it for me". It is not necessary for the friar to use the word "buy". Recourse is had by the *intentional* use of any word or expression *apt to move* the benefactor to procure by means of money the article asked for. For instance, if a friar while in a store with a friend said for the secret purpose of recourse: "There is a fine knife (book, statue). Will you please give it to me?" These are cases of recourse to spiritual friends for money.

Accordingly not every request for a gift, implies a recourse to spiritual friends. Sometimes it is mere begging, as, for instance, if I ask for a thing without any thought of recourse, and the benefactor of his own accord buys it for me.

From the same principles we may infer when and when not the begging of money-alms would be a recourse to spiritual friends. For the sake of clearness let us bear in mind the three kinds of money-alms, viz.:

1) Those that are given upon request of the friars. They are evidently obtained by recourse to spiritual friends.

2) Free-will offerings, the ownership of which is reserved to the donor. They are given either for determined needs, or for needs *in general*. Now, superiors who procure the necessities from such free-will offerings do not become the determining cause of, but, at most, the occasion for these purchases and payments. In other words, they are merely carrying out the good intention and wish of the benefactor. This opinion is confirmed by the declaration of Nicholas III,<sup>1</sup> who permits the friars to have recourse to spiritual

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<sup>1</sup>Exiit, Art. 6. n. 1.

friends, "if there are no alms on hand from which aptly to supply their needs". Also Clement V declares such a recourse to be lawful, "when the alms have ceased".<sup>1</sup> Therefore the Popes clearly distinguish between payments made with alms previously given without the asking and deposited with the donors or their substitutes—and payments made through recourse to spiritual friends.

3) A third kind of money-alms are those of which the donor has not reserved the ownership. These may be free-will offerings, stipends for labor, bequests, or the proceeds of sales made of things that were useless to the friars.<sup>2</sup> The ownership of all such alms is taken over by the Supreme Pontiff and must be deposited with the Apostolic Syndic. It will be the duty of the syndic as the Pope's agent to expend them for our needs, whenever requested to do so by the superiors. Hence recourse of the superiors to the syndic in such cases is not recourse to a spiritual friend.

55 Let us consider a few practical deductions from the above principles:

1) There is no question of recourse, if a friar agrees to accept a certain article that a benefactor proposes to purchase for him.

2) There is no recourse, if a friar makes known his needs to a benefactor, who is already minded to buy him something useful or necessary and urges him to tell what he wants.

3) There is no recourse, if a friar with the intention of obtaining a certain necessary article from a friend, gently reminds him of a former self-made promise to defray the expenses of his future needs. *Note: Be it remembered that in all these and similar cases the lawful permission of the superiors so to act is presupposed. This is required by the vow of poverty.*

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<sup>1</sup>Exivi, Art. 7. n. 3.

<sup>2</sup>Trienekens, Op. cit. P. II. c. IV. nn. 195-197.

4) There is no recourse, if a superior availed himself of a friend's kind and urgent request to procure books or other articles for him at his own expense; also, if he made purchases of articles and asked the benefactor to pay for them, because he had already promised of his own accord to provide for future needs. Care should be taken, however, not to stretch any former promise of the benefactor beyond the actual limits.

If, however, a benefactor gives a sum of money for a certain need, which he specifies, say, for habit-cloth, and the superior prevails upon him to apply the alms to some other need, as, for inst., for the purchase of books, he has recourse in the sense of the Rule, because he is the cause and not merely the occasion of this change of intentions. The money is expended for the new purpose at *his sole request*.

56 The Popes in accordance with the Rule have insisted upon certain conditions, under which the superiors, or the subjects with their permission, may lawfully have recourse to spiritual friends. They are five in number.

*First condition:* There must be a *real necessity*, either of some particular friar or of his local community, province or order, which would entail the loss of a greater good, spiritual and temporal. It is not required, therefore, that the necessity be absolute or extreme. Any reasonable and proper necessity with due regard to our state and profession, and to the peculiar circumstances of person, place, time and occupation, will suffice, for the Rule declares: "According to places and times and cold climates, as it may seem to them expedient in the necessity".

*Second condition:* The necessity should be *past, present, or imminent*. A necessity is said to be past when payment must be made through spiritual friends for things already purchased. A present necessity is

one actually occurring, so that there is no time left for expectation. An imminent necessity is one close at hand, one that has either partly commenced to exist, as, for instance, if the food begins to fail; or one that is certain to happen in a comparatively short time. In regard to these matters the nature of the thing required, its scarcity, the difficulties of transportation, and the like, must be duly considered. Thus it takes longer to procure coal for the winter, material for the erection of a new building, etc., than to obtain the daily articles of food.

Recourse may not be had for *mere future necessities*, namely, for those that might possibly happen, concerning which, therefore, there is no certainty; or those, that will come to pass after a long period of time, so that provision can be made, when they are nearer at hand. Thus it would be a sin against the Rule to procure through recourse certain articles of food or clothing for several years in advance on the plea of forestalling a possible siege of hard times.

*Third condition:* There should be a total lack or shortage of *indifferent alms*, from which payment for the necessities could be made.

Specified alms, such as have been given to the brethren for a particular purpose could not be used for other needs, though they be urgent, without at least the presumed permission of the benefactors. They retain the ownership of such alms, until the money has been expended. Hence it would be trespassing on their rights by disposing of specified alms against their will. However, unless the benefactors have plainly expressed the purpose of their money-offerings, it is supposed that they intend to place these at the disposal of the superiors for any necessity of the friars. This is especially the case with alms received as a just reward of labor.

*Fourth condition:* That the things needed *cannot be conveniently obtained by begging*. Such would be

the case, if the begging caused great delay in procuring the alms, much annoyance to the benefactors, and running about, distractions, and the like, to the detriment of religious life and discipline.

*Fifth condition:* That the necessities *should pertain to the friars, and not to others*, unless they be servants of the community without pay, or visiting guests. Such persons are in the care of our charity, or hospitality. *Their* needs, therefore, are in a certain sense *our* needs. Since in all these matters of recourse the final judgment is left to the superiors, we are commanded by the Popes to abide by their decision.

Superiors may provide also for the wants of other houses of the province with the permission of the provincial, or of any house in the Order with the consent of the Minister General. Moreover, it would not be contrary to the spirit of the Rule for a friar to solicit the aid of benefactors in behalf of the friendless and destitute.

If any of these conditions are wanting, recourse to spiritual friends may not be taken without sin, either mortal or venial, proportionate to the amount of money in question and to the lack of real necessity.

57

Before closing this important chapter of the Rule, it is well to remind the friars, that in all cases of recourse, they note the following:—

- 1) They may not allow more to be deposited than necessity requires. Hence, what has been received over and above the actual needs must be returned to the donor.

- 2) They may not present any person for collecting the alms, unless it is certain that the benefactor has left the appointment of his substitute to the friars, which may very often be presumed.

- 3) They may not apply the money plainly specified by the benefactor to any other person, or necessi-



ty, without his consent, which at times, may be reasonably presumed.

4) They should always bear in mind, that we have no right to the money given to, or deposited for us, and should prudently let those concerned, know of this.

From this exposition of the fourth chapter we have seen that it contains two precepts obliging under mortal sin: first, that the friars may in no manner receive coins or money, either by themselves or by an intermediary; second, that the ministers and custodes should take solicitous care, through spiritual friends, to relieve the necessities of the friars.

## CHAPTER V

### OF THE MANNER OF WORKING.

**TEXT:** "Those friars to whom the Lord has biven the grace of working, should labor faithfully and devoutly, so that in banishing idleness, the enemy of the soul, they do not extinguish the spirit of holy prayer and devotion, to which all temporal things should be subservient".

#### EXPLANATION.

58 By strict command of the natural and divine law, man is obliged to devote himself to honest labor, as a means of serving God, his Lord and Master, and thus of working out his eternal salvation. God said to Adam after his fall into sin: "In the sweat of thy face shalt thou eat bread till thou return to the earth, out of which thou wast taken".<sup>1</sup> With original sin this law of labor, as a penalty, has become the common inheritance of mankind. We read in the Book of Job: "Man is born to labor, and the bird to fly".<sup>2</sup> The sluggard, who will not labor is ordered to learn the art of labor from the busy ant: "Go to the ant, O slug-

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<sup>1</sup>Gen. III., 19, etc.

<sup>2</sup>Job, V, 7.

gard, and consider her ways, and learn wisdom—which provideth her meat for herself in the summer, and gathereth her food in the harvest”.<sup>1</sup> The wicked and slothful servant, who buried his talent in the earth, was condemned by Christ to exterior darkness.<sup>2</sup> In his letter of instruction to the Thessalonians St. Paul bluntly says: “If any man will not work, neither let him eat”.<sup>3</sup>

If all men shall labor in penance for sin, then, surely, the religious, who have embraced the higher life of penance and mortification. Wherefore St. Francis earnestly exhorts his brethren in this chapter of the Rule not to shirk the duty of labor. He would have no sluggards in his fraternity. To the slothful friar, who ate the bread of idleness, he used to say: “Be-gone, brother Fly, since you will do nothing and live upon the work of your brethren”.

By “the grace of working” St. Bonaventure understands “bodily strength and the acquired habit of industry, as also the ability of acquiring industry, i. e., the attention or devotion to any useful occupation—— And because some friars have the grace of working spiritually, others corporally, St. Francis in giving the rule of labor generally to all, says that each one should turn to account the grace allotted to him: ‘The friars, to whom the Lord has given the grace of working’.”<sup>4</sup>

The words of the text, which, by the way, do not contain a precept, lay special emphasis on the manner of working: “They shall labor faithfully and devoutly”; “faithfully”, i. e., sincerely, accurately, by performing their allotted task as perfectly as time and skill will permit, in an abiding sense of loyalty to the community, whom they are serving for the sake of the Lord. “Devoutly” should they labor, i. e., with the sincere and loving desire to seek and please God alone

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<sup>1</sup>Prov. VI., 6-8.

<sup>2</sup>Matt. XXV., 30.

<sup>3</sup>2 Thessal. II, 3, 10.

<sup>4</sup>St. Bonav. Expos. super Reg., c. V., nn. 1-3.

in their daily round of duties, even the most trivial; also with discretion, modesty and holy silence, thus converting their work of obedience, so irksome at times, into a labor of love and of merit for life eternal.

Our holy Father, St. Francis, moreover, warns his brethren against "idleness, which is an enemy of the soul". "Idleness", says Holy Scripture, "hath taught much evil" (Eccl. XXXIII, 29). Hence we read in the constitutions of the Order: "Greatly detesting idleness as a cesspool of evil, the destruction of virtue and the tomb of the living man, we ordain, that all the friars be engaged by their superiors in honest works suited to them. Those found notably idle shall be duly punished, and since of slothful religious we may rightly suspect that they have not a good conscience, it is ordained that he who is guilty of this vice shall not be promoted to the offices of the Order. The lay-brothers shall labor diligently either in the garden or with the sick, or in any other offices of the convent enjoined on them by obedience, since for this end also have they been received into the Order. The local superiors shall take care that in the spirit of piety and with cheerfulness the clerics and the priests shall be engaged respectively in studies, the Divine Office, the administration of the Sacraments, preaching of the Word of God, and in literary pursuits according to the talent and ability of each one".<sup>1</sup>

Labor is a sacred duty, yet St. Francis would have no priest, cleric, or brother so intensely engaged in his work as to "extinguish the spirit of holy prayer, to which all temporal things ought to be subservient". "All things have their season", says Ecclesiasticus. There is a season of work, but also a season when our work, however sacred in itself, should be relinquished for the more sacred and sublime exercise of prayer. In doing so, we become true disciples of our Blessed

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<sup>1</sup>Const. Gen., nn. 244-247.

Lord, who led a life of prayer, not only in the solitude of Nazareth, but also in the stress and storm of His public career; yes, who spent whole nights in prayer after the fatiguing labors of the day.

If we thus divide the day between work and prayer, as Jesus did; if we consecrate to His most Sacred Heart our daily tasks of obedience, and endeavor to remain conscious of His all-abiding presence, we have learned the lesson of our holy Father Francis, to make all things subservient to the spirit of devotion and prayer.

**TEXT:** "But for the recompense of their labor, they may receive for themselves and their friars the necessities of the body, except coins or money; and this humbly, as becometh the servants of God and the followers of most holy poverty".

#### EXPLANATION.

59 After the example of the Apostles and the monks of old, St. Francis acquired the necessities of life by the work of his hands. This is evident from the history of his life and his own words in the Testament: "I labored with my hands and wish to labor".—Only "when the price of labor is not given us, are we bidden to have recourse to the table of the Lord, begging alms from door to door".<sup>1</sup> Thus it is far better, more conformable to the Rule and our state as Friars Minor to earn the alms of our benefactors than to go idly begging for a livelihood. "Thou shalt eat the labors of thy hands", says the Psalmist (Ps. CXXVII, 2). It is lawful also to receive alms for spiritual labors according to the Apostle: "Know you not, that they who work in the holy place, eat the things that are of the holy place; and they that serve the altar, partake with the altar? So also the Lord ordained that they

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<sup>1</sup>Cfr, Felder, Op. cit., Chap. VII, p. 131.

who preach the Gospel, should live by the Gospel". (1 Cor. IX., 13-14).

"The necessities of the body", which the Friars Minor may receive "as a recompense for their labor" include food, clothing, supplies for the sick, and all other things necessary and useful for our state of life; "except money", lawful recourse to which will depend on the conditions explained in the preceding chapter.

The words of the text, "they may receive things necessary for themselves and their brethren", remind the Friar Minor that the reward of his labor is not for his exclusive use, but for the support of the community. The constitutions, therefore, expressly state that "any alms whatever given as the remuneration of labor, whether spiritual or corporal, must go to the benefit, not of the respective friar but of the whole community".<sup>1</sup>

Finally, the brethren are admonished by our holy Father to accept the fruits of their labor "humbly as becomes the servants of God, the followers of most holy poverty". This earnest exhortation is intended to warn the friars against any avaricious desire for the price of labor, and to keep them from bargaining, or even bickering about the justice of their reward. The friars cannot, in view of their state, claim any political right to any temporal good, hence neither to a recompense. "They can", however, says Kazenberger, "humbly ask for what is due to them by natural law as a recompense of civil obligation, since according to Holy Scripture, "The laborer is worthy of his hire", (Luke X. 7), and although a Friar Minor cannot bind himself by contract (non sit capax mutuae obligationis), nevertheless others are bound, by the natural law not to defraud the poor of their recompense".<sup>2</sup> Should anyone withhold from us the just reward of

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<sup>1</sup>Const. Gen., n. 252.

<sup>2</sup>Kazenberger, Op. cit., Ch. V. Q. II, Infertur 1,



our labor, he may be earnestly reminded of his obligation in this regard.

From this exposition of the fifth chapter of the Rule, it is evident that it does not contain any new precept, but only an admonition to labor faithfully and devotedly.

## CHAPTER VI

### THAT THE FRIARS APPROPRIATE NOTHING TO THEMSELVES; AND OF SEEKING ALMS AND OF THE SICK FRIARS.

**TEXT:** "The friars shall appropriate nothing to themselves, neither a house, nor place, nor anything. And as pilgrims and strangers in this world, serving the Lord in poverty and humility, let them go confidently for alms".

#### EXPLANATION.

60

As the expositors of the Rule agree in calling the command of the Seraphic Father to abstain from the use of money the *capital precept*, so they acknowledge this to be the *main chapter* of the Rule, because it treats of his favorite virtue and vow of poverty, upon which he principally established his beloved Order. Francis has made poverty the distinguishing mark of the Friars Minor by giving it a broader scope than it enjoys in any other religious institute. This is evident from the text, "the friars shall appropriate nothing to themselves", etc. These words are to be understood not only of the individual friars, but also of the Order as such. In other words: The friars, individually as well as collectively, that is, as an Order, are forbidden by the solemn vow of poverty to exercise the right of ownership or any other civil right with regard to temporal goods. Such is the unanimous

teaching and tradition of the Order. Such also is the declaration of the text by Gregory IX, which was later confirmed by Nicholas III and Clement V.

The poverty of our beloved Order should serve us as a continual reminder, that we have chosen "to serve the Lord in this world as pilgrims and strangers", without any fixed dwelling-place of our own, and that we be cheerfully content with the simple actual use of the necessities, acquired through the kindness of our benefactors. Pope Nicholas III encouragingly says that "such poverty well becomes an Order, which has pledged itself to follow the poor Savior, who had not whereon to lay His head; and who by the mouth of the Prophet called Himself a pilgrim and a stranger".<sup>1</sup>

Since the friars by virtue of their poverty are incapable of exercising any right over temporal goods, even as a fraternity; the ownership and other civil rights with regard to the things in use, belong to the donors, if they have expressly reserved said right to themselves. Otherwise, they have abdicated all right and claim to their alms. Now, lest these goods become ownerless, and the friars in their poverty be defrauded of seasonable aid, the Popes have condescended to assume to themselves and the Roman Church the ownership of all things which the friars may licitly use. So we read in the declaration of Nicholas III;<sup>2</sup> and although Pope John XXII refused to take over the dominion of certain things in favor of the friars, several succeeding Popes approved and confirmed the declaration of Nicholas III.

## THE OBLIGATION OF SERAPHIC POVERTY.

### I. Independent Use.

61      The importance of seraphic poverty requires that we clearly set forth its obligations, which may be re-

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<sup>1</sup>Exiit, Art. II. 1.

<sup>2</sup>Ibidem, Art. IV. n. 1.

duced to three, viz., the obligation to abstain (1) from every *independent use*; (2) from every *immoderate use* of things temporal—which duties we have in common with other religious; (3) the obligation to avoid every act of proprietorship as a *Corporate Body*, or as an *Order*—an obligation peculiar to us.

No religious may use or dispose of any temporal good independently of the will of his superior without committing an act of illicit proprietorship, because it is essentially opposed to the vow of poverty.

The permission of superiors, which prevents such a violation of the vow, is principally four-fold: *express, implicit, tacit, or reasonably presumed*.

1) *Express permission* is one given in formal terms (in words, by a nod of the head, etc.) for a definite object. It is the surest of all permissions by which a conscientious religious will be guided, if possible, in all his actions, for the sake of the Rule and greater peace of soul.

2) *Implicit permission* is implied in an express permission. Thus, the permission to travel includes the permission to make the necessary expenditures for that journey.

3) *Tacit permission* is lawfully inferred from the circumstances of a fact, or the voluntary omission or silence of the superior, who could easily object to the action, if he so willed. In such cases his silence would be equivalent to consent. A religious may safely act on a tacit permission, provided he has reason to think it is real, and not falsely imagined. However, a friar cannot quiet his conscience on the plea of silent consent, if a superior inwardly condemns his action, but says nothing to the contrary, either through weakness of character, or through prudence, as, for instance, to avoid a greater evil.

Legitimate customs of religious communities come under the matter of silent consent. "Custom in gen-

eral", says Cotel,<sup>1</sup> "is an unwritten practice, which is introduced little by little into a community, either by way of interpretation or by way of modification of some point of the Rule. Legitimately established, custom has the force of a true law, as well to forbid as to allow; if not legitimate, it has no value". To be legitimate "it must be reasonable; must really exist in the greater part of the community; and have lasted for a sufficient time (forty years are now required) without competent authority ever having protested".

A legitimate custom of this kind practised in some communities of religious orders is the custom of using small articles for common purposes without the explicit consent of the superiors.<sup>2</sup>

4) *Presumed permission* is not an actual consent, expressly or implicitly given by the superior, but one supposed to exist in his will, because we reasonably judge, that it would be granted, if he were asked. It is the interpretation of the superior's will, where recourse to him for express permission is impossible.

This permission, if wrongly understood and applied by inordinate self-love, gives rise to laxity of discipline, and other abuses. Hence it behooves well to distinguish between the *action* of an inferior, for instance, his disposal of a thing—and his *manner* of action,—that is, his disposal of a thing without a previous consent of the superior. Now, it is perfectly lawful to presume permission, if one reasonably supposes, that under the circumstances, the superior can have no objection, either to the action, or to the manner of action. If such is not the case, permission cannot be presumed in good faith. What superiors often condemn is not the action itself, when

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<sup>1</sup>Cotel, S. J., "Catechism of the Vows", 28th ed. 1924, Part. II. nn. 77, p. 56.

<sup>2</sup>A custom to be legitimate must have been introduced either by the whole Order or any Province thereof. Single houses may not introduce customs. Noldin, Th. Mor. I, n. 203.

they know it to be necessary or useful, but the independent manner of acting, if recourse to them is easy, or the matter can be deferred. Contrary actions of this kind would not be a violation of poverty, but of the virtue of *obedience*. Thus a superior may not object that a friar obtain a new habit, but he must object to his procuring it without permission.

In answer to the question, "what is the means of assuring ourselves that we are not wrongly presuming permission?" Cotel replies, that "a good presumed permission is one in which the inferior, setting aside all self-love, puts himself honestly in thought before the will of the superior and then does exactly what he judges the superior would tell him to do. Even in case he later sees that he was mistaken, he has not offended God".<sup>1</sup>

62

Following are cases of illicit proprietorship, i. e., of an independent use and disposal of things forbidden by the vow of poverty:

1) If a religious without permission accepts any temporal thing from a relative or friend as a gift or loan; likewise, if he retains it in his possession, uses and consumes it at his good pleasure.

2) If without permission he appropriates to himself goods of the community, even those that pertain to food and clothing.

3) If without permission he lends, or gives away (also in exchange for other things) any goods of the community, including those that have been granted him for his personal use.<sup>2</sup>

4) If he wilfully destroys an object given him in charge, or for his own use, or allows it to perish or deteriorate through sheer negligence. Let those who have charge of the kitchen, wardrobe, etc., bear this in mind. All friars, in fact, should take proper care

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<sup>1</sup>Catech. of the Vows, Part II. n. 76. p. 56.

<sup>2</sup>NOTE—Concerning the general permissions to accept or bestow gifts of comparatively small value confer the Ordinances of your Province (as for Prov. Ord. of the Sacred Heart Province, see n. 44).



of the articles given for their use, such as books, tables, and other furnishings of their cells, because this is a requirement of holy poverty.

5) If a friar purposely retains the use of a thing beyond the limits of the permission.

6) If without permission he makes use of things for other purposes than those determined by their very nature or by the superior. Thus, money given for traveling, or for procuring certain necessities, may not be applied to any other use, unless there is good reason to presume permission.

7) If a friar carries from one house to another books and other articles without the consent of the superiors, excepting such things as are permitted by lawful custom.<sup>1</sup>

8) Superiors and those responsible for the necessary expenditures of a community must herein be guided by the Rule, custom, or the will of higher superiors; because they are only the administrators, but not the owners of the things pertaining to the community.

But would the arbitrary refusal of an alms, offered to a friar for his community be a sin against the vow of poverty? Yes, in all cases where the community (or the Holy See with regard to the Friars Minor) has acquired a just right to these alms, such as the recompense of labor performed by the pastors, missionaries, and others. To renounce all claim to these without permission would be a sin of illicit proprietorship.—If the rejected alms is a gift of liberality, pure and simple, for the friar's personal use (depending on the will of his superior) or for the use of the community, there would be no offense against the vow, for poverty does not require us to accept anything to which the Holy See had no claim. However, it might easily be a violation of charity towards the community by

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<sup>1</sup>See Book of Customs of your province.

## II. Of Immoderate Use.

In relation to the state of poverty, which is incumbent on all religious, we distinguish a moderate and a strict use of temporal things. The strict or poor use limits the religious to what is absolutely necessary for the preservation of life. Naturally it will cause many an inconvenience. Moreover, unless there is a grave reason, it even excludes the simple actual use of things. Such is the case in regard to several objects according to our Rule.

In the days of Clement V it was a much disputed question, whether or not the friars were held to the strict use of temporal goods. In order to settle all doubts in the matter the Pope declared: "Wishing, therefore, to quiet the consciences of the aforesaid friars, and to put an end to these altercations, We say and declare that the Friars Minor are especially obliged by profession of their Rule to the strict and poor use of those things which are contained in their Rule, etc."<sup>1</sup> As to all other things not expressly mentioned in the precepts the moderate use is perfectly lawful, according to Nicholas III, who says: "Indeed the moderate use of things which are necessary for sustaining life as well as for the fulfillment of the duties of the offices of their state, excepting what is said below with regard to money, is conceded to the friars—according to their Rule—in those things which the friars can licitly use."<sup>2</sup>

The things to which our Rule limits the strict use are (1) *shoes*, except in case of necessity; (2) *poor*

<sup>1</sup>Exivi, Art. 18, n. 1.

<sup>2</sup>Exiit, Art. 3, n. 1.

*garments* and only *two tunics*, (one, with a *capuche*; the other, without a *capuche*); (3) *riding on horse-back*, except in case of manifest necessity and infirmity; (4) as to the *use of money*, it is absolutely forbidden by the Rule. However, in cases of grave and extreme necessity it may be permitted by the natural law.

The vow of poverty as such, i. e., abstracting from the rules of religious orders, requires only the moderate use of things; for which reason, if we except the aforementioned cases, Nicholas III has put us on an equal footing with other religious in regard to the use of temporal goods.

But what is implied by the moderate use? It is the mean between excess and strict use. It deprives us of many conveniences enjoyed by the wealthy class, without making us feel the pangs of penury or indigence.

There are three things in particular which the moderate use forbids in virtue of the vow, namely:

(1) Things that are *superfluous*, i. e., unnecessary for sustaining life and for the proper fulfillment of our offices as superiors, priests, clerics, or lay-brothers. This is even a dictate of reason, which forbids the use of things that serve no fit purpose. Besides, Canon Law prescribes that "the furniture of the religious must be in accordance with the poverty of which they make profession".<sup>1</sup>

(2) Also things *precious and costly* are forbidden by the vow; as, for example, a <sup>gold</sup> watch. If many god-fearing christians in the world lead frugal lives in the spirit of holy poverty, if they abstain from the use of things costly beyond their means, would it not be highly reprehensible in a Friar Minor, who lives on the alms of others, to crave for things fine and precious, when those of less value will amply serve the purpose?

The authors distinguish between intrinsic and ex-

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<sup>1</sup> Can. 594.

trinsic preciousness. A thing intrinsically precious is valuable and costly of its very nature, such as a gold watch or vase. The use of such objects is forbidden to all religious. Things extrinsically precious acquire their special value from various circumstances. A painting or a statue of wood, for instance, may be of very ordinary material, and yet highly estimated on account of its antiquity or the artistic skill and fame of the painter or sculptor, and for other reasons. Abstracting from illicit recourse, objects of extrinsic value are not forbidden by the vow.

(3) Things that are *curious* or *novel* offend against poverty, because they contradict the spirit of holy simplicity and austerity, and savor of worldly pride and finery. How could a Friar Minor reconcile any delicacy, finery, or over-nicety in dress and mode of life with the spirit of the simple, humble Francis and his holy Rule?

The objective norm, then, for the moderate use of things, as we have seen, is the vow of poverty as interpreted by the Rule of religious institutes. Hence our state of poverty, according to the declaration of the Pontiffs, forbids us to have "superfluous gardens and sumptuous buildings; very large or excessive churches; too costly or superfluous vessels or ecclesiastical ornaments". "The Lord", says Clement V, "does not want to be served by means of such things as disharmonize with the condition and state of servants"<sup>1</sup>

In order to judge correctly in the matter of necessity and superfluity we must consider the circumstances of person, time, place, occupation, etc., in relation to our peculiar state. Thus, a certain thing might be necessary for a priest or cleric and superfluous for a lay-brother, and vice versa; indispensable for the sick or for the friars of the cold North, but not so for the others. Moreover, in these vexing questions on the

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<sup>1</sup>Exivi Art. XVI cfr. also Art. XIII-XV.

moderate use of things, the final judgment rests with the superiors, who have the privilege and duty to decide according to their conscience, whether or not a thing to be acquired or already acquired is superfluous, too costly, or curious.

If such forbidden objects were in actual use, the blame would lie on the head of those who had procured them or in any way cooperated in their acquisition, as, for instance, by counsel, consent, or culpable silence, etc. The rest of the community who had no voice in the matter, would be free from all guilt. St. Bernardine of Siena is quoted as saying in one of his encyclical letters: "Clement V, although having declared that edifices exceedingly sumptuous were not conformable to the state of the Friars Minor, nevertheless decreed that the friars should not relinquish the aforesaid places without the special permission of the Apostolic See, under pain of excommunication".<sup>1</sup> Pope Leo X to ensure peace of conscience declared that the friars may lawfully use precious vestments and church vessels, and other things, which had already been acquired, without a moral stain on their profession (*sine macula professionis*).<sup>1</sup>

### III. The Special Obligation Of the Friars Minor to Avoid All Proprietorship Even in Common.

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Since the holy Founder established his Order upon absolute poverty by excluding the right of possessing any temporal good even in common, the friars are thereby reduced to the state of mendicancy. But are they obliged by the Rule to have recourse to actual begging by soliciting alms from door to door? We are not held to beggary in this sense of the word; for the exhortation of St. Francis, "let them go for alms", has not been declared a precept to go begging from house to house for the necessities of life. But what these

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<sup>1</sup>Trienekens, Op. cit., P. I., c. III., n. 59, (1).



words and the nature of our poverty actually imply is the command to rely for our daily sustenance on the beneficence of others. In this sense, then, we should consider ourselves as mendicants, that we humbly and gratefully accept the offerings of others as an alms, to which we have no civil right, whether such alms be given gratis, or for the asking, or as a recompense for our labors. "Nor should we be ashamed thereof", says Francis, "because the Lord made Himself poor in this world for our sakes". He also bids us live as mendicants "with confidence", not trusting to our popularity or personal merit, but solely in God, Who feeds the fowls of the air, and arrays the lilies of the field (Matt. XI. 26). Let us also bear in mind the promise made to the Seraphic Father, that the necessities of life would never be wanting to those brethren, who faithfully observe their holy Rule. This promise has been fulfilled up to our days, for in the seven centuries of the Order's existence, the hundreds of thousands of Friars Minor of every land and clime, have been enabled to subsist, as God's poor, on the charity of others. The same Divine Providence will also provide for us in the days to come, as long as we live in poverty, humility and simplicity. Our holy Father is reported as saying that as long as the brethren will save the world by their holy example, it will feel itself obliged to support them; but that the moment they cease to be true Franciscans, the world will justly abandon them.

In view of their peculiar state it is not lawful for the friars to have annual revenues, or those things which approach the nature of revenues, namely:

- (1) To put money out on interest.

- (2) To procure a life insurance, for such actions confer a civil right to an annual allowance; which certainly runs counter to our state of mendicancy.

- (3) To have superfluous houses, farms, and gar-

dens; or to work these tracts of land and sell the products thereof. Clement V, however, has allowed us the use of gardens moderate in size for recreation purposes, also in which to grow flowers for divine service; likewise, small vegetable gardens, trees and vines for the benefit of the community.

(4) To have granaries and cellars without evident necessity for storing up provisions in large quantities. Some provision, however, is often necessary, and therefore perfectly lawful; for if experience teaches, that in those districts, where the friars dwell, certain necessities can be procured only at stated seasons of the year, they may provide for these on a somewhat larger scale.

(5) To raise animals, such as bees, chickens, sheep, cattle, etc., for the market; yes, even for personal use and consumption, in case we went beyond the bounds of moderation. The reason is evident, for all this approaches the nature of an annual revenue or savors of illicit provision, and thus conflicts with our state of mendicancy. But, as in the case of granaries, if it were an evident fact of experience, that the necessities of life could not otherwise be obtained, the raising of domestic animals in a measure proportionate to our needs, would be lawful.

Moreover, in regard to articles easily obtained, we are not required to procure them in such small quantities, as to limit our supplies to the needs of just one day. Christian prudence, therefore, will suggest moderation in this matter of making provisions, which Clement V leaves to the judgment of the superiors.

#### **IV. Of Inheritances, Legacies, Contracts and Donations.**

65 According to the declaration of Clement V the Friars Minor cannot be appointed testamentary heirs or heirs by intestacy, i. e., without a formal will legally devised, whether the property be given gratis or

with an onus attached, for instance, with the obligation of saying a certain number of Masses for the repose of the testator's soul. The reason is because the heir to a deceased person's property not only acquires the right of possession, but also every other civil right and obligation connected therewith. Our vow and state of poverty, however, renders us incapable of such rights and obligations.

But may the friars accept legacies?

A distinction must be made between a single legacy and perpetual legacies. A legacy bequeathed to us in a lawful manner, without prejudice to the rightful heirs, and in one payment, may be accepted in proportion to our needs; for this would not be detrimental to Franciscan poverty. Nicholas III has so declared. The reason is obvious: for, a legacy is a donation or an alms left to us by the testator for our needs and to be handed over by his heir or by the executor of the will. Now, such a donation may be accepted as any other alms, provided it does not involve a civil right or obligation.

As regards perpetual legacies strictly so-called, they are absolutely prohibited, for what would be left of our poverty and state of mendicancy, if we were thus securely provided for future emergencies? However, under the following conditions favorable to our poverty, the friars are allowed to accept an annual offering of perpetual legacies:

(1) There must be a real necessity for spiritual recourse to spiritual friends for pecuniary aid.

(2) The yearly allowance, offered to them, either gratis or for Masses, and the like, must be considered a pure alms without conferring a civil right thereto or strict obligation to perform the work imposed.

(3) The General Constitutions, moreover, require the consent of the provincial. They also command the guardian in holy obedience to make these conditions

clear to the executors of the will in the form of a written protestation to be signed by him and the discreets, and stamped with the seal of the convent. Moreover, one copy thereof should be given to the executor, or the one responsible for the fulfillment of the testator's pious wishes, and records of the transaction kept in the archives of the convent and the provincial house.

Under these conditions the friars may receive such annual offerings with a safe conscience. Should the heirs ever refuse to fulfill the last will of the testator, we are forbidden by the same constitutions under pain of excommunication to be incurred ipso facto to demand from them before any judge whomsoever these annual offerings, or the afore-mentioned legacies either personally or through the syndics. But we may modestly petition and admonish them to consult their conscience, for this would not be exacting a debt, but seeking an alms.

Should it ever happen that legacies of this kind begin to multiply to such an extent, as to seriously prejudice the state of mendicancy, they could not be accepted. The constitutions even prohibit us in virtue of holy obedience to induce anyone to leave new legacies to the convent or to the Order.<sup>1</sup>

As regards cases of suit against another, we are strictly forbidden by Clement V "to be present in courts and litigations", that is, to take an active part therein, because such action implies a certain right and legal claim, which would be contrary to our poverty. But have we no one to defend our cause? The Apostolic Syndic may do so in the name of the Holy See to the exclusion of scandal and of all cooperation and assistance on the part of the friars.

Another thing directly and entirely opposed to our vow of poverty, also as an Order, is the making of civil contracts in our own name, or the ad-

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<sup>1</sup>Const. Gen., nn. 309-311.

ministration and disposition of temporal goods by virtue of our own authority.

But is it lawful for a friar to enter upon a contract or administer temporal affairs in the name of and by the authority of another?

In answer to this question Trienekens calls attention, first, to the general rule: in the question of contracts, if an action does not involve a civil obligation, it is lawful; otherwise it is unlawful. With this principle in view, let us distinguish:

1) Any kind of civil administration or contract in the name of another, such as buying, selling, donating, loaning, leasing, exchanging, is against the Rule, because these acts suppose and create civil rights with corresponding obligations. Hence it is the business of the Apostolic Syndic to perform these and similar acts of a civil character in the name of the Holy See for our benefit, whenever it is required.—For the same reason the friars may not become executors of wills, guardians of orphans and minors, etc.

2) In the absence of all civil rights and obligations, these acts are purely natural functions. In this wider acceptance of the word it is lawful for our superiors, or their substitutes:

a) To buy or sell, i. e., to estimate the value of an article, to come to a natural agreement as to its price, to accept, respectively to give it over on the same agreement, that payment be made or demanded through a competent person, preferably through the Apostolic Syndic. He it is who strictly does the buying and selling as the agent of the Pope, by whose authority he transfers or receives the ownership of the goods concerned.

b) To loan out, as also to borrow, with a simple promise of fidelity to take proper care of the thing borrowed and to return it in due time;

c) To make an exchange of things belonging to the



Holy See, not only with other members and convents of the Order, but also with outsiders, even without any intervention of the Apostolic Syndic, as Pope Nicholas has expressly declared. Those things, however, of which the ownership has been reserved by the donor, cannot be exchanged without his express or presumed permission;

d) The Friars Minor are permitted by Pope Nicholas III,<sup>1</sup> for any reasonable cause to bestow gifts of movable things allowed for their use to persons within and without the Order under the following conditions:

The article given should be of little value (*res vilis et parvum valens*); the permission of the superiors is required; all judgment as regards the nature and value of the gifts and the kind of permissions required should be left to the General or Provincial Chapters.<sup>2</sup> Money is always excluded, even when the gift is intended for an outsider.<sup>3</sup>

When gifts of this kind are made among the friars there is no question of transferring property, but only the simple use of things. If they are bestowed upon persons outside of the Order, their ownership is made over to them by the authority of the Pope, to whom all things, which we have in simple use, belong.

**TEXT:** "This is the sublimity of <sup>h</sup>te highest poverty which has made you, my dearest brothers, heirs and kings of the kingdom of heaven: poor in goods, but exalted in virtue. May this be your portion which leads to the land of the living; to which, my dearest brothers, wholly attached, you should never desire to possess anything else under heaven for the Name of our Lord Jesus Christ".

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<sup>1</sup>Exiit, Art. XIII.

<sup>2</sup>See Provincial Ordinances (Prov. Ord. of the S. H. Prov., n. 44).

<sup>3</sup>The last condition does not hold for Provinces, which have a papal dispensation to use money.

## EXPLANATION.

67

In these words our Seraphic Father gives us an eloquent eulogy on his "Lady Poverty". They are an outpouring of his ardent, passionate love of that virtue, which he so greatly admired and closely imitated in the life of his Blessed Lord and Savior. "This imitation of Christ's poverty", says Father Paschal Robinson, O. F. M., "was perhaps the distinctive mark of Francis' vocation, and he was undoubtedly, as Bossuet expresses it, the most ardent, enthusiastic, and desperate lover of poverty the world has yet seen".<sup>1</sup>

It was the earnest endeavor of St. Francis to enkindle in the hearts of his sons and followers a similar love and affection for holy poverty on the just plea, that it will richly compensate them for the loss of earthly goods with the priceless treasure of virtue and the rightful claim to the kingdom of heaven. Is not this the infallible testimony of Christ in His counsel of poverty? "If thou wilt be perfect", He says, "go sell what thou hast, and give to the poor, and thou shalt have treasure in heaven: and come follow Me" (Matt. XIX, 21). Voluntary poverty, then, for Christ's sake is a sure means of perfection and a pledge of an especial reward in heaven. Our holy Father, therefore, pleads with us to choose it for our portion and to become so attached to it for the Name of our Lord, Jesus Christ, as to desire nothing else under heaven. Hence we are not true Friars Minor, unless we cherish the inheritance of holy poverty bequeathed to us by St. Francis.

The General Constitutions therefore call our attention to his earnest exhortation in the Testament: "Let the friars take care not to receive churches, dwellings, and all other things which are constructed for them, unless they are as becoming holy poverty, which we have promised in the Rule". Wherefore they ad-

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<sup>1</sup>"St. Francis of Assisi" in the Cath. Encyclop. Vol. VI, p. 228,

monish us with Pope Clement V to be "content with moderate and humble buildings, lest what is seen by the eye would cry out against the seraphic poverty which has been promised".<sup>1</sup> For the better observance of these things the same constitutions prescribe that "new convents and churches shall not be constructed without the Minister General's permission, and unless they have been designed by architects, who are acquainted with our condition of poverty"; moreover, that the superiors "take diligent care that the furniture of the convent be in accordance with the seraphic poverty which we have professed"; that "in their frequent visitation of the cells they shall by all means remove whatever is contrary or unbecoming to seraphic poverty and our state". Finally "all the friars, especially the older ones, by whose example the others are led, are exhorted to be content with poor things, as becomes the followers of the most holy poverty".<sup>2</sup>

**TEXT:** "And wherever the friars are and meet other friars, let them show to one another that they are of the same household. And let one make known his needs with confidence to the other, for, if a mother love and nourish her carnal child, how much more earnestly should one not love and nourish his spiritual brother".

#### EXPLANATION.

68      One of the chief causes of injustice and uncharitableness is the capital vice of covetousness. Perhaps more than any other vice is this inordinate love of money and earthly possessions responsible for so much cunning, deceit and oppression of one's neighbor; for so much strife and dissension among nations, families, blood-relations and individuals. In poverty we have an effectual means of overcoming covetousness, and, therefore, of preserving the holy bond of charity and

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<sup>1</sup>Const. Gen., nn. 320, 321, 296, 301.

<sup>2</sup>Const. Gen., nn. 320, 321, 296, 301, 299.

peace among the members of religious communities. For this reason it should be comparatively easy for the Friars Minor, who are serving God under the standard of most high poverty, to heed the words of their holy Father: "Wherever the friars are and meet other friars, let them show to one another that they are of the same household".—1) "Wherever the friars are"; for our charity should be universal and not limited to a particular friar, convent, or province; not limited to one nationality in preference to another; for such limitations to christian charity would betray narrow-hearted selfishness.—2) "Let them show to one another that they are of the same household". Let the charity of their heart, if it be genuine, manifest itself in deed by a cordiality, ease and courtesy of manner, that make all friars, the guests as well as those of the local community, feel perfectly at home in the seraphic family of St. Francis.—3) "Let one make known his needs with confidence to the other". In a religious family of brothers there should be no cold reserve, no aloofness from others, but a certain frankness of manner and speech, and a secure feeling of mutual trust in and reliance upon one another's sympathy, kindness and unselfish devotedness in the time of spiritual and corporal need.—4) "For if a mother loves and nourishes her son according to the flesh, how much more diligently ought every one to love and nourish his spiritual brother?" Great is the natural love of a mother for the child of her own flesh! With unwearied patience she administers to its every want at the heavy sacrifice of time, health, even of life itself. She shares in its joys and sorrows, in its successes and reverses. She shields it from all harm, and her heart swells with pride when her child meets with success, when it becomes an object of admiration and praise. Such is the instinct of love implanted by God in the heart of a mother for her carnal offspring. But greater still,

says St. Francis, should be the mutual love of his sons and brothers in Christ. "The reason is evident", writes St. Bonaventure, "for the gratuitous love of (*christian*) *charity* is stronger than carnal love, because charity overcomes the innate horror of death, for we read in the Book of Canticles (VIII, 6): 'Love is strong as death'.—Then, also, because it has its foundation in the infinite Good (God Himself); so that no finite good can prevail against it".<sup>1</sup> Such was the charity of Francis and his first disciples, of whom Thomas of Celano writes: "They came together with longing, they dwelt together with delight. No envy, malice, rancour, evil-speaking, suspicion or bitterness had place in them, but great concord, continual quietness, thanksgiving, and the voice of praise. Such were the teachings wherewith the tender Father, not by word and tongue only, but above all in deed and in truth was fashioning his new sons".<sup>2</sup> With the same candor of simplicity does the Legend of St. Francis by the three Companions (Leo, Rufino and Angelo) speak of the charity of the first brethren: "They cherished one another with a right inward love, and they served each the other, and nourished him, even as a mother doth her only and well-beloved son".<sup>3</sup> May the friars of our day love one another with the same charity which Francis and his first companions had learned from Christ, the Master, who says: "By this shall all men know that you are My disciples, if you have love one for another" (John. XIII, 35). It was for this spirit of fraternal charity that He prayed so fervently to His Heavenly Father at the last supper: "Holy Father, keep them in Thy name whom Thou hast given Me; that they may be one, as We also are.—And not for them only do I pray, but for them also who through their word shall believe in Me; that they all may be

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<sup>1</sup>S. Bonav., Expos. sup. Reg., C. VI., n. 26.

<sup>2</sup>The First Life of St. Franc. by Thom. of Celano, Ch. XV. nn. 38-40.

<sup>3</sup>The Legend of St. Francis by the Three Companions, Ch. XV. n. 41.



one, as Thou, Father, in Me, and I in Thee; that they also may be one in Us" (John. XVII. 11, 20, 21).

**TEXT:** "And if any of them should fall into illness, the other friars should serve him as they would wish to be served themselves".

#### EXPLANATION.

69

St. Francis cherished all his brethren with fatherly affection, but he showed a special love of sympathy and devotedness to the sick friars and those sorely tempted. "He entered into the feelings of the sick", says Thomas of Celano, "and gave them words of sympathy when he could not give words of help".<sup>1</sup> Little wonder that in the Rule he strictly obliges all the friars to serve their sick brethren as they would wish to be served, for in sickness we need charity more than in health. Clement V has declared the words of our text to be one of the precepts binding under mortal sin. *Primarily* it concerns the superiors, who have already been commanded in the fourth chapter of the Rule to "take watchful care through spiritual friends for the necessities of the sick". The General Constitutions, therefore, exhort "the guardian and the vicar frequently to visit the sick brethren, that they may console them and that they may have a better knowledge from them of the things that are necessary, and that they carefully provide for them". "And if there is no objection", they further say, "the other friars may visit them, without, however, being an annoyance to them; and they shall endeavor to console them piously in the Lord".<sup>2</sup> The infirmarians are admonished "to fulfill their duty with all solicitude and charity, and they shall see that nothing is wanting to the sick that is necessary for the regaining of health, or for mitigating the annoyance of the disease".<sup>2</sup> Should it ever

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<sup>1</sup>Second Life of St. Franc. by Thom. of Celano, Ch. CXXXIII, n. 175.

<sup>2</sup>Const. Gen., nn. 340 and 342.

happen, which God forbid, that a sick brother be abandoned by his superior and by the appointed infirmarian, the other friars would be in conscience bound to serve him, even in case of a contagious disease.

All the friars, especially the infirmarian, should deem it an honor to serve their sick brethren, for in doing so they are rendering service to the Lord Himself. Is this an exaggeration? Then listen to His own words as future Judge of the living and dead: "Come, ye blessed of My Father, possess you the kingdom prepared for you—for I was sick and you visited Me—Amen, I say to you, as long as you did it to one of these, My least brethren, you did it to Me" (Matt. XXV. 34, 40).

The service of the sick is one of strict obligation, but what about the friars, whom the Lord has visited with the trial of sickness? Are they under no obligations to Him and their brethren? Under no obligation to please God and edify the community by suffering their afflictions with christian patience? The time of sickness is not without its dangers. There is danger of growing peevish, discontented, of finding fault with the best efforts of the superior and the infirmarian. The service of the sick is no easy task in itself, but it becomes doubly hard and disagreeable, when the sick friar is anything but tractable and patient. In sickness there is also the danger of becoming pitifully soft and self-indulgent like a spoiled child, much to the detriment of one's spiritual life. We should bear in mind that also in the time of illness we remain Friars Minor and that our state of poverty forbids us to expect and demand the most expensive advice, remedies and nursing, such as only the rich class of people can afford. How many poor of the world receive the kind attention and sufficiency of all things, which are secured to us by the superiors?

This concludes our explanation of the sixth chap-

ter of the Rule, which was seen to contain two precepts binding under mortal sin: that the friars appropriate nothing to themselves, and that they serve their sick brethren.

## CHAPTER VII

### OF THE PENANCE TO BE IMPOSED ON THE FRIARS WHO SIN.

**TEXT:** "If any of the friars, at the instigation of the enemy, sin mortally, for those sins concerning which it has been ordained among the friars, that they should have recourse solely to their provincial ministers, the aforesaid friars are bound to have recourse to them as soon as possible, without delay".

#### EXPLANATION.

70 After charitably providing for the care of our bodies when stricken by infirmity, our Seraphic Father in the present chapter shows special regard and concern for our immortal souls. He knew well that even the most holy environments will not exempt us from the attacks of man's greatest enemy, the spirit of darkness. Mindful of the Lord's words to His apostles: "Satan has desired to have you, that he may sift you as wheat" (Luke. XXII, 31), he decreed, that if any friar "at the instigation of the enemy" commit one of the greater sins reserved to the Minister Provincial by the chapter, he should have recourse to him without delay for the sake of obtaining absolution and a suitable penance.

According to the declaration of Clement V this is one of the strict precepts of the Rule, but it regards only sins that are *public* and *notorious*, as St. Francis had only these in mind when he empowered the chap-

ter of brethren to reserve sins. Such is the authoritative explanation of Innocent IV<sup>1</sup> and Gregory IX.<sup>2</sup>

The purpose of this precept was that those friars, who had sinned *publicly* and *notoriously* make due reparation by a public recourse for penance; moreover, that they publicly remove from their character the stain of infamy by contriteness of heart and amendment of life.

For two reasons Francis is understood to have restricted the obligation of recourse to *public sins*: 1) Because personal recourse for *secret* mortal sins would easily expose the friar to a loss of reputation. In some way or other he would have to intimate the cause of his recourse to the local superior, without whose permission he could not leave the enclosure of the convent. 2) Because according to the Rule the sin would have to be disclosed to the provincial, even in case he were not a priest. But since no one is obliged to confess his sins, except to a duly authorized priest, recourse to the provincials can only be understood of sins *publicly* committed.<sup>3</sup>

The Rule allows full liberty to the chapters to determine the kind of sins, for which recourse would be necessary; which is evident from the text: "for those sins concerning which it has been ordained among the friars". However, since at the present time there are no public or private sins, reserved by any chapter, there is no occasion for observing this precept. According to the present constitutions in force since Sept. 30, 1921, "the Minister General with his Definitorium, whenever they shall judge it opportune, may reserve sins in the Order, from which sins the Minister Provincial or his delegates may have the faculty of absolving".<sup>4</sup>

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<sup>1</sup>Const. *Ordinem vestrum*, 14 Nov. 1245 (Bull. Franc. Tom. 1. p. 400).

<sup>2</sup>Const. *Quo elongati*, 28 Sept. 1230 (Bull. Franc. Tom. 1. p. 68).

<sup>3</sup>*Trienekens*, Op. cit. Pars. I., c. VII. nn. 214-217.

<sup>4</sup>Const. Gen., n. 350.

Note—Nevertheless any priest approved by the bishop can absolve the friars from all sins and censures reserved in the Order (c. 519).

**TEXT:** “But the ministers, if they are priests, should with mercy enjoin penance upon them; if, however, they are not priests, they should see that it be enjoined by other priests of the Order, as it may seem to them most expedient, according to God”.

#### EXPLANATION.

7 Since the precept concerning reserved sins obliges the guilty friar humbly to seek forgiveness from his superiors for the crime committed, they are bidden to receive him with merciful love such as our Lord showed the penitent Magdalen. The Apostle says: “Brethren, if a man be overtaken in any fault, you, who are spiritual, instruct such a one in the spirit of meekness, considering thyself, lest thou also be tempted” (Gal. VI. 1).

In case the Minister Provincial is not a priest, which does not happen in our days, he is commanded to appoint a priest *of the Order* to absolve him and enjoin the penance. The wisdom of this regulation is easily seen, since a priest of the Order, being better acquainted with the obligations of our state and its surrounding circumstances, is more competent to apply the proper penance for a thorough conversion.

**TEXT:** “And they shall beware of becoming angry or troubled on account of anyone’s sin, because anger and excitement in themselves and in others hinder charity”.

#### EXPLANATION.

72 To his recommendation of mercy St. Francis adds a warning against showing vexation and anger, because they are adverse to charity. Let those, whose duty it is to correct the erring, study and imitate the sublime example of the Divine Savior in His treatment of the



repentant sinners. Of Him it was prophesied: "The bruised reed He shall not break: and smoking flax He shall not extinguish" (Matt. XII. 20).

Does this meekness and mercy of charity, however, forbid one to administer a timely reprimand? Indeed not; for meekness is not opposed to just and holy anger. The ministers indeed are often obliged to play the part of surgeons; they must apply the knife of rebuke and correction to save the spiritual life of the delinquent. Christ Himself, the divine model of meekness, hurled His terrible woes at the Scribes and Pharisees for their sinful blindness and obstinacy and their perversion of the people. St. Francis likewise flung a crushing curse at those of his brethren, who by their evil ways scandalized others. And who will ascribe this to a spirit of immoderate anger or vindictiveness? Does it not rather reveal the holy wrath of a loving father, bent on saving the erring son from impending peril at almost any risk, and on pressing the repentant prodigal to his forgiving heart?

From the explanation of the seventh chapter we have seen, that it contains but one strictly binding precept, namely, that the brethren, who have committed certain sins reserved by the chapter, are obliged to take recourse to their Provincial Minister for absolution and penance.

## CHAPTER VIII.

### OF THE ELECTION OF THE MINISTER GENERAL OF THIS FRATERNITY AND OF THE CHAPTER OF PENTECOST.

**TEXT:** "All the friars are bound always to have one of the friars of this religion as Minister General and servant of the whole fraternity, and they are strictly bound to obey him".

In order to ensure firmness and constancy to his Order for the perfect attainment of its end, St. Francis wisely ordained that one of the brethren should preside as head over the entire fraternity with an authority and jurisdiction that is supreme, and with the title of "Minister General", that is, servant of all the Friars Minor. This title is suggested by the holy Gospel, in which the Lord declares: "He that is the greatest among you shall be your servant" (Matt. XXIII. 11).

This, then, is the *first* of the three precepts in the eighth chapter concerning the Minister General, which strictly requires 1) that the Friars Minor, always have a Minister General; 2) that he must be chosen from among the professed members of the Order, for the text reads: "One of the friars of this religion". This is also a regulation of Canon Law for all religious institutes. Therefore, those upon whom the election of the Minister General devolves, would sin grievously, if they grossly neglected to choose a supreme Moderator of the friars, when necessary, or if they elected one who was not a professed member of this fraternity.

The words of the text, "And they are strictly bound to obey him", merely imply, that the head of the Order should be obeyed by all the friars and in preference to the other prelates. Hence there is no question here of a special precept of obedience. And why? Because the aforementioned words and those of the first chapter, "The other friars are bound to obey Friar Francis and his successors", are already included *expressly* and *pre-eminently* in the formal precept of the *tenth chapter*, which reads: "I firmly command them to obey their ministers in all things which they have promised the Lord to observe".

**TEXT:** "At his death the election of a successor is to be made by the provincial ministers and custodes in the

Chapter of Pentecost, in which the Provincial Ministers are always bound to assemble, wheresoever it may be appointed by the Minister General, and this once in three years, or at a longer or shorter interval as it shall have been ordained by the said minister”.

#### EXPLANATION.

74

This is *another* strict precept of the eighth chapter. It strictly obliges all the provincials and custodes to assemble in a General Chapter, which the Minister General is empowered to convoke for the election of his successor or for deliberating and deciding upon important affairs of the Order, when and wherever he deems it necessary. Some expositors of the Rule infer from the text that the *time of Pentecost* is not *strictly* obligatory.<sup>1</sup> The present constitutions, however, ordain, that “the General Chapter must be celebrated every six years at the time of Pentecost, wherever it may be appointed by the Minister General with the consent of the General Definitorium.”<sup>2</sup>

It was the intention of our holy Founder that the Minister General be elected *for life*. So we infer from the words, “quo decedente” which means “at his death”. Such was also the custom in the Order until the year 1517, when Leo X limited the general’s term of office to six years. Pius IX prolonged it to twelve years and Pius X reduced it again to six years. Hence, according to the present ruling in the Order the Minister General is elected for a six-year term, but may be re-elected for another period of the same duration. For a third term the permission of the Holy See is required, unless there has been an interval of six years.<sup>3</sup>

From the text under consideration it is not evident who the “custodes” are, that must elect a Minister General together with the provincials. In the be-

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<sup>1</sup>Trienekens, Op. cit. Pars II., c. VIII., n. 221.

<sup>2</sup>Const. Gen., n. 437.

<sup>3</sup>Ibid. n. 401.

ginning of the Order, when some provinces became so large, that the Provincial Minister could not do justice to his office, several convents of a province were grouped together and placed under a common superior, who ruled over them by the authority of the Minister Provincial. They were called custodes, and had to go to the General Chapter with their provincials for the election of the general. However, to reduce their ever-increasing numbers in the chapter, Gregory IX and Nicholas III, ordained that the custodes of the same province elect one, the “custos custodum”, to represent them with the provincial at the General Chapter. In the course of time the large provinces were divided into several independent provinces, and thus the office of custos *in this sense* of our Rule naturally disappeared. Since the year 1913 another office, that of *Custos Guberni or Regiminis* has also ceased to exist. The *Custos Regiminis* ruled over a small district called a *Custody* with practically all the rights of a provincial.<sup>1</sup> At present the Order knows only of a *Custos Provinciae*, who is a member of the Provincial Definitory, in which he holds the first place. It is incumbent on him to be present at the General Chapter, in case the Minister Provincial for one cause or another is prevented from attending.<sup>2</sup>

**TEXT:** “And if at any time it should be apparent to the whole of the Provincial Ministers, that the aforesaid Minister General is not competent for the service and the common welfare of the friars, the aforesaid ministers, to whom the election is committed, are bound to elect for themselves another as custos in the name of the Lord”.

#### EXPLANATION.

75        These words have the force of a precept strictly binding all the provincials to elect a new general, if

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<sup>1</sup>NOTE -The only Custody in the Order now is the TITULAR Custody of the Holy Land, which, however, is a real Province.

<sup>2</sup>Confer Const. Gen., n. 558.

the one in office should become incompetent. The phrase, "another as custos" evidently means here "another as superior".

The deposal of an incompetent Minister General would have to take place in chapter (or rather through recourse to the Holy Father, with the request that he declare him unfit for the office and grant permission to elect another in his place). However, the precept does not urge, unless the Minister General's incompetency is evident "to the whole of the Provincial Ministers", that is, to the greater majority of their number. Such is the common opinion of the expositors of our Rule.

The inability of the Minister General to continue in office may be *physical*, such as advanced age, increasing infirmities, etc., or *intellectual*, as lack of administrative talent (*donum regiminis*), insanity, etc.; or *moral*, as the commission of a notorious crime, scandalous negligence in observing the holy Rule or in performing the grave duties of his high office.

**TEXT:** "But after the Chapter of Pentecost the ministers and custodes may each, if they wish and it seem expedient to them, conveke their friars to a chapter in their custodies once in the same year".

#### EXPLANATION.

76

Our Rule leaves the convening of a Provincial Chapter to the option of the Provincial Ministers, but it is silent on the nature and manner of their own election to office. Pope Clement V, therefore, decreed that they be elected by the Provincial Chapter. Leo X limited their term of office to three years, a ruling that obtains at the present day.<sup>1</sup> For many centuries not only the members of the Provincial Definitorium, but also the guardians of all the convents have been called together for the election of the provincial government.

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<sup>1</sup>Cfr. Const. Gen., n. 476.



This custom has since become the established law of the Church and of the Order.<sup>1</sup> The constitutions decree, also, that “a meeting of the Provincial Definitorium be held at least twice a year, yes, as often as it seems useful to the Minister Provincial for despatching matters of grave importance”.<sup>2</sup>

The eighth chapter, as we have seen, contains three precepts, grievously binding the consciences of those concerned: 1) that the brethren shall have one of the friars as Minister General; 2) that the Provincial Ministers and Custodes convene in General Chapter to elect the successor of the Minister General; 3) that the Provincial Ministers and Custodes elect another general, if it be evident to the majority of them that the one in office is unfit for the service and common welfare of the brethren.

## CHAPTER IX.

### OF PREACHERS.

**TEXT:** “The friars must not preach in the diocese of any bishop where it may have been forbidden them by him. And none of the friars must by any means dare to preach to the people, unless he shall have been examined and approved by the Minister General of this fraternity, and the office of preaching conceded to him by the latter”.

#### EXPLANATION.

77 St. Bonaventure relates that our Seraphic Father “exercised himself chiefly in those virtues which he knew by the teaching of the Holy Spirit to be most pleasing to God. Wherefore it happened that he was once seized with great anguish of mind from a doubt, which, after many days of prayer, he laid before his

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<sup>1</sup>Ibid., n. 478.

<sup>2</sup>Ibid., n. 497.

brethren in whom he most confided. 'Which, my brethren', he said, 'do you advise me to do, which do you account most praiseworthy—to give myself wholly to prayer, or to go about preaching the Gospel? For I being a poor little one, simple, and unskilled in preaching, have received the gift of prayer rather than of speech. Moreover, it seems to me that in prayer there is great gain and accumulation of graces; in preaching, a distribution of gifts we have received from heaven. In prayer there is also purification of the interior affections, and union with the One True and Supreme Good, together with a strengthening of virtue. In preaching the feet become dust-laden and there is much distraction and relaxation of discipline. Finally, in prayer we speak with God and listen to Him and leading a kind of angelic life, we converse with the angels. In preaching, however, we must needs condescend to men in many things, and living among them as men, we must think, see, speak, and hear as men. On the other hand, this one thing would seem to outweigh all the rest before God, viz., that the only-begotten Son of God, Who is the Supreme Wisdom, descended from the bosom of the Father for the salvation of souls, that He might teach the world by His example and speak the word of salvation to men whom He redeemed with the price of His sacred Blood——. So it seems to me more pleasing to God that I should lay aside my quiet and go forth to labor'." St. Bonaventure then tells how Francis requested Brother Sylvester, the holy virgin Clare, and some of the purest and simplest of her sisters to pray earnestly for light in this matter. From these devout souls he received the unanimous assurance that God had destined him and his disciples to follow Christ also as a preacher of the holy Gospel.<sup>1</sup> This explains why St. Francis incorporated in his Rule a chapter on preaching, "from

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<sup>1</sup>St. Bonav. Op. cit., c. XII. n. 1.

which it is evident", says the Seraphic Doctor, "that the friars are held to preach by virtue of their profession and that no other class of religious have more reason to preach in view of their state than those who profess this Rule".<sup>1</sup>

The chapter in question contains two precepts binding our preachers under mortal sin, the first of which reads: "The friars must not preach in the diocese of any bishop where it may have been forbidden them by him". This prohibition, therefore, extends even to churches strictly our own. The Rule, however, says nothing about applying to the bishop for express permission to preach, or even about obtaining his blessing on their sermons to the people. Such is the unanimous teaching of the expositors. However, the present legislation of the Church requires "that religious of a clerical order obtain the faculty of preaching from their own superiors according to their constitutions, in case they preach to exempt religious of their own order (including the novices and others who dwell with them day and night). If the sermon is to be delivered before others, including nuns subject to regular prelates, the faculty of preaching must be granted by the Ordinary in whose diocese the sermon is to be delivered; and the preacher who addresses exempt nuns must also have the permission of the regular superior to whom they are subject".<sup>2</sup>

The other grave precept of this chapter forbids any friar to preach to the people, unless he has been examined and approved by the Minister General of this fraternity, and the office of preaching conceded to him by the latter. This personal examination and approval of the preachers by the general, however, became impossible with the rapid spread of the Order. So, Pope Nicholas III extended the faculty to examine and

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<sup>1</sup>St. Bonav. Expos. Reg., c. IX. n. 13.

<sup>2</sup>Rev. C. Augustine, O. S. B., Commentary on Can. Law., Vol. III. ed. I. pp. 356-357.

approve the preachers to the Ministers Provincial and their definitors, when they convene for a Provincial Chapter. Now, however, the General Constitutions decree that "no one dare preach save him to whom the Minister General or the Minister Provincial in the chapter or definitorial meeting has conceded the office of preaching after a previous examination".<sup>1</sup>

Canon Law is equally as strict with regard to the granting of faculties for preaching.<sup>2</sup>

The text of the precept forbids the friars to preach to the people without the aforementioned examination and approbation. Sermons to the friars, therefore, are not affected by this precept.

**TEXT:** "I also admonish and exhort the same friars, that in the preaching they do, their discourse be chaste and examined for the utility and edification of the people, announcing to them vices and virtues, punishment and glory, with brevity of speech, because the Lord made His word short upon earth".

#### EXPLANATION.

79 The words of wisdom contained in this brief instruction on the manner, end, contents, and length of the sermons to the faithful, deserve the careful attention of every preacher in the Order.

1. With regard to the manner of preaching our holy Father requires that the discourse of the friars "be examined and chaste"; a ruling, which the Council of Trent saw fit to embody in its outline of duties for the preachers of the universal Church. A sermon is said to be examined, if it has been well considered part for part and composed with painstaking efforts, which, according to Nicholas III requires careful study, pray-

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<sup>1</sup>Const. Gen., n. 591.

<sup>1</sup>NOTE The ordinance of the Council of Trent that the preachers of Religious Institutes apply for the blessing of the Ordinary before preaching in their own churches, has become obsolete.

<sup>2</sup>Cfr. Can. 1340.

er and meditation. From the words of the exhortation, "in the preaching they do", St. Bonaventure infers that no one should be allowed to preach, unless he know how to compose his own sermon.<sup>1</sup>

The sermons of our preachers must also be chaste, that is, free from all error and exaggeration, from all vulgar, scurrilous, idle, ridiculous, and offensive words and expressions; in a word, free from every diction that ill accords with the gravity of a sermon as also with the sacredness of the place and priestly office of the preacher. "The preachers", says the Seraphic Doctor, "should imitate the Lord, of whom it is written by the Psalmist: "The words of the Lord are pure words: as silver tried by the fire, purged from the earth, refined seven times" (Ps. 11, 7).<sup>2</sup>

2. The end or purpose of our preaching, St. Francis further declares, should be "for the utility and edification of the people". This is tantamount to saying that the preacher, when appearing before the faithful as the ambassador of Christ, should be of one mind with his Divine Master in seeking only the glory of God and the salvation of souls. It would, therefore, to say the least, be the height of inconsistency, if a Friar Minor in the garb of the humble Francis preached himself instead of Christ crucified; if he thirsted more for the applause than for the souls of men. Our holy Father, who constantly endeavored to preach by example rather than by eloquence of speech, was wont to say that those preachers deserved our pity, who lacked true piety, or who sought not the salvation of souls, but their own praise. To these he preferred the simple and ineloquent, but truly pious friar, who incites others to good by the force of his example and his secret prayers; and such a one, he affirmed, would have many spiritual children to his credit on the day of judgment; whereas the vain and loquacious preach-

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<sup>1</sup>S. Bonav. Expos. Reg., c. IX., n. 11.

<sup>2</sup>Ibid.



er, who now boasts of many children begotten of his own efficiency, as he believes, will then acknowledge that he has no part in them.<sup>1</sup>

3. The contents or subject-matter to be treated in the sermons is indicated by the words, "announcing to them vices and virtues, punishment and glory". Here is a brief compendium of the things men should be taught to shun and practice, to fear and desire: the duties and motives of morality in a nutshell. Are we to infer from this that our holy Father intended to limit the preaching of his friars to the truths of right conduct, that they are not to expound the dogmas of faith? By no means, for among the virtues so highly commendable to the faithful is the virtue of christian faith, which is the foundation, norm, and guide of christian morality. What St. Francis seems to emphasize here, according to the belief of the Seraphic Doctor, is the duty of the friars to preach the Gospel and "not themselves, not their own philosophy".<sup>2</sup> This should be done in a manner conducive to a virtuous life and eternal salvation. "The preaching as granted by Innocent III and practiced by Francis and the first generation of his brothers", says Felder, "was evidently the simple moral sermon".—"They restricted themselves to the subject of penance, that is, in their exhortations as well as in their formal sermons they simply admonished their hearers to change their morals and lead a better life". As a matter of fact only the educated clerics were permitted to preach Scriptural sermons, that is, sermons on "the moral as well as the dogmatic content of revelation by means of the inspired text, and which for this reason was termed doctrinal sermon". And since St. Francis and his little band of first disciples, eleven in number, "were almost all unlettered", the Pope, no doubt, authorized them to preach only moral sermons with the assurance,

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<sup>1</sup>S. Bonav., Leg. Major S. Franc., c. VIII., n. 2,

<sup>2</sup>S. Bonav. Expos. Reg., c. IX., n. 12.

however, that "he would grant still greater things and entrust more to them with more secure confidence as soon as they had increased and proven themselves (as preachers of penance)". And so, "later on", even in the days of Francis, "the friars who were able to do so (as for instance St. Anthony of Padua), were permitted to preach Scriptural sermons, that is, to explain on Scriptural grounds the entire matter of revelation, from the moral as well as from the dogmatic standpoint. Whenever they addressed Catholic audiences, they preached moral sermons grounded on dogma; and even when they treated topics of faith, they never lost sight of the fact that by their calling they were preachers of penance, called to edify, to uplift, to rouse, to convert the masses".<sup>1</sup>

This accounts for St. Francis emphasizing in his Rule the preaching of penance, viz., of "the vices and virtues, punishment and glory", without expressly excluding the Scriptural or doctrinal sermon.

4. Finally the holy Patriarch insists on "brevity of speech, because the Lord made His word short upon earth". "This brevity", says St. Bonaventure, "excludes all digressions of speech", i. e., all words, phrases and sentences which are superfluous, obscure, beyond the scope of the sermon and the intelligence of the hearers. "This", says the Seraphic Doctor, "is evident from the following: 'Because the Lord made His word short upon earth' ", i. e., clear and precise. The term "brevity", however, can and must also be understood in the sense of short in time or duration; therefore the holy Doctor adds: that "one should also endeavor to be brief in the literal sense, because prolixity of speech will provoke disgust and distract the hearers".<sup>2</sup>

This concludes the explanation of the ninth chapter of the Rule, which was seen to contain two precepts obliging under mortal sin, to wit: 1) that the friars

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<sup>1</sup>Felder, *Ideals of St. Francis of Assisi*, Chapt. XVI, pp. 331-339, 2S, Bonav., *Expos. Reg.*, c. IX., n. 12.

must not preach in the diocese of any bishop where it may have been forbidden them by him; 2) that no friar must dare to preach to the people, unless he shall have been examined and approved by the Minister General of this fraternity, and the office of preaching conceded to him by the latter. This chapter further contains a very practical admonition on the manner of exercising the important office of preaching, from which we learn what kind of men the preachers of the Order should be according to the mind of our Seraphic Father and model, Francis.

## CHAPTER X.

### OF THE ADMONITION AND CORRECTION OF THE FRIARS.

**TEXT:** “The friars who are ministers and servants of the other friars, shall visit and admonish their friars, and shall humbly and charitably correct them, not commanding them anything against their conscience and our Rule”.

#### EXPLANATION.

80 In this text St. Francis clearly defines the duties of superiors.

The name of “ministers and servants” applies not only to the Ministers General and Provincial, but to all superiors, who have ordinary or delegated authority in the care of souls and in the government of the Order. This is evident from the commentators of the Rule and tenor of the context.

What, then, are the duties of the superiors, as ministers and servants of their subjects? They “shall visit their friars”, in order to learn by personal investigation how it fares with the whole flock and with each sheep; what is **good** for them, or hurtful, what is **necessary or superfluous**”, etc.<sup>1</sup> They shall “admon-

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<sup>1</sup>Kazenberger, Op. cit., c. X. Q. 1.

ish", i. e., mildly but earnestly reprove the weak and tepid subjects. And if earnest and kind reproof fail of its object they "shall correct" the delinquents "humbly and charitably", by administering a stern reprimand or even punishment, according to the nature of the case.—This exhortation of the Seraphic Father to all the prelates of his fraternity is not a precept, but only an urgent reminder of a duty connected with the office of superiorship and imposed by the divine and natural law. Like the superiors of the Old Testament every prelate is a divinely appointed "watchman" or "shepherd" to rule over Israel, i. e., over the community entrusted to his charge, and of which he will have to render an account to the Lord in the last Judgment. Such is the warning of the constitutions,<sup>1</sup> which emphasize the duty of the superiors as directors of souls to have more deeply at heart the spiritual care of their friars than the exterior and temporal affairs of the convent. Terrible threats and maledictions were hurled by the Lord upon the heads of grossly negligent superiors over Israel: "If (says the Lord). when I say to the wicked, Thou shalt surely die: thou declare it not to him, nor speak to him, that he may be converted from his wicked way, and live: the same wicked man shall die in his iniquity, but I will require his blood at thy hand" (Ezech. III, 18)——"Woe to the shepherds of Israel, that fed themselves—but my flock you did not feed——Hear the word of the Lord——Behold, I myself come upon the shepherds, I will require my flock at their hand" (Ezech. XXXIV, 2, 3, 9, 10). In the face of such dire threats and maledictions superiors can ill afford through negligence, timidity, over-indulgence, or human respect to occasion the spiritual ruin of a subject or to tolerate laxity in the regular discipline and the observance of the Rule.

As regards the official visits or the so-called "Can-

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<sup>1</sup>Const. Gen., n. 573.

onical Visitations", which the Most Reverend Father General or his delegate, the Visitor General, as also the provincials must make in the manner and time prescribed by the General Constitutions, it is well to remark here, that the friars are bound in conscience to make known in these visitations, whatever they judge in the Lord to be in need of admonition, correction, or reformation. Such information will enable the Visitor to achieve the purpose of the visitation, which is to preserve or restore regular discipline and the exact observance of the holy Rule. Needless to say, all disclosures must be made in the spirit of truth and charity. The laws of truth condemn and forbid not only false accusations against a fellow-religious, but also all exaggerations and unwarranted assertions that are based on mere suspicion and hearsay. Charity is strictly opposed to the disclosure of irregularities and faults which the local superior is able and willing to correct. If action has already been taken against faults and abuses, even of a serious nature, they should not be rehearsed before a higher tribunal, unless there be a just fear of a relapse to the detriment of the guilty ones.

On the other hand the superiors whom it concerns shall not defer punishments, even under the pretext of waiting for the Visitor; but let them know that they are obliged by their office to inflict the penalties laid down in the General Constitutions, *servatis servandis*, lest through their timidity or negligence, crimes should remain unpunished and go on increasing. Such is the stern language of the General Constitutions on the duties of superiors to correct abuses and inflict punishments especially for transgressions that are more serious in their nature and their consequences. And to add further weight to their words they remind the superiors of an important passage in the second letter of St. Bonaventure as Minister General to all the ministers of the Order. It reads as follows: "The chief



reason and cause for all transgressions, I think, lies herein that those things which have been decreed with wise foresight are taken lightly by the friars and esteemed as nothing; and yet such transgressions are not chastised with due severity; so it happens, by the permission of the Divine Judgment, that despising little things they fall into the greatest because, when discipline is disregarded, insolence waxes strong and thus interior neglect in the practise of virtue betrays itself exteriorly in the scandalous downfall of those who in the eyes of others seemed to stand'.<sup>1</sup>

Our holy patriarch admonishes the superiors "not to command their friars anything against their conscience and our Rule", evidently because the end of all ordinances of superiors should be the spiritual welfare of the friars entrusted to their charge and the faithful observance of religious discipline in accordance with the Rule.

**TEXT:** "The friars, however, who are subject must remember that, for God's sake they have renounced their own will".

#### EXPLANATION.

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After pointing out the duties of superiors Francis addresses himself to their subjects. They are admonished never to forget the solemn pledge made to the Lord on the memorable day of holy profession; the promise to renounce their will by the religious vow of obedience. Renunciation is the formal or distinguishing end, the characteristic mark of one who undertakes the religious life: renunciation or the cutting off of temporal goods by the vow of poverty; of all carnal pleasures by the vow of chastity; and of self-will, the evil root of sin, by the vow of obedience. Moreover, the Friar Minor should always remember that he has made this free and generous sacrifice of his will for *God's sake*.

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<sup>1</sup>Const. Gen., nn. 385 and 386.

The moment he disregards this supernatural character and motive of religious obedience, it will become a galling yoke to his evil self-love, which is ever ready to offer a hundred and one excuses for stiffening its proud neck against humble submission to authority.

**TEXT: "Wherefore I firmly command them to obey their ministers in all things which they have promised the Lord to observe and are not against their conscience and our Rule".**

#### EXPLANATION.

82 The authors are unanimous in declaring the above text a formal precept of the Rule obliging under mortal sin and identical with the vow of obedience of the Friars Minor. According to Trienekens it should rather be called a description of this vow.

By the same unanimous teaching the term "Ministers" is understood to mean all the prelates of the Order, namely, the Prelate or Minister General, the Minister Provincial, and the local superior with due regard, of course to their respective sphere of jurisdiction. Other officials inferior to these must also be obeyed within the limits of their office; yet the duty of submission to them by their subjects does not arise from the vow, but from the virtue of obedience, as being a part of the cardinal virtue of justice, which accords due reverence and obedience to all authority.

As regards the extent of the vow of obedience, the theologians say that it obliges the religious to obey their superiors in all things that they command according to the rule and the constitutions of their respective institute. A command is in accordance with the rule and constitutions as long as it in any way furthers religious discipline or the peculiar end of the institute.

Such is the case, for instance, with all appointments of office or assignments of labor made by higher or local superiors according to their powers, with the

infliction of punishments for transgressions, and the like. Hence only such commands are excluded from the obligation of the vow of obedience as are: (1) *against* the rule, that is, opposed to any point of the rule that admits of no dispensation; (2) *above* the rule, that is, beyond its end and scope, for instance, extraordinary or heroic practices of virtue and penance; (3) *beneath* the rule, such as are evidently ridiculous<sup>1</sup> and to no purpose.

The foregoing has reference to the teaching of the theologians on the extent of the vow of obedience for religious in general. Does the same apply to the obedience of the Friars Minor? Or has their vow in virtue of the rule a greater extension? The text under discussion says: "I firmly command them to obey their minister in *all* things—which are not against their conscience and our Rule". Must these words be construed to mean that the Friars Minor *by their vow of obedience* are obliged to obey in all things, even in those which are above or beneath the Rule? This is the opinion of many Franciscan authors. The only limit, they say, which the Rule sets over the vow of obedience is sin; for it strictly commands to obey the ministers in all things not against the soul (conscience) and the Rule, that is, in all things that are neither grievously or venially sinful, nor incentives to sin, nor in any way adverse to the precepts of the Rule.

According to Trienekens, however, and other modern expositors of the Rule the words of the text, "in all things that are not against conscience and the Rule" probably refer to the perfection or virtue of obedience, but not to the obligation of the vow. Whence they conclude that the Friars Minor are not held by the vow (*ex voto*) to obey in those things, which are absolutely and simply above the Rule, nor in matters vain and

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<sup>1</sup>St. Alphonse, Lib. 4. n. 39.

useless, such as cannot be ordained to serve any purpose whatever in Religion.<sup>1</sup>

The commands of those in authority<sup>T</sup> are classified as simple orders or precepts, and laws or statutes. The power to make laws is vested only in the General and Provincial Chapters, of which the Ministers General and Provincial respectively are the chief members and executives. The laws enacted by these Chapters continue in force after the death of the lawgivers (or the expiration of their term of office), because they are perpetual. Such true laws are our General Constitutions. They expressly declare, however, "that, excepting cases of formal contempt or of habitual transgression from which scandal may arise, the friars are not obliged sub culpa by the present statutes, save as they are otherwise bound by human or divine law, or unless something in these constitutions is prescribed under censure or under command of obedience".<sup>2</sup> Also the statutes of the various provinces duly made by their respective Provincial Chapters, must be considered and observed as true laws, after receiving the approbation of the General Definitorium. The constitutions of the whole Order must be confirmed by the Holy See.

It is the common teaching of the canonists that religious superiors have a right to impose precepts besides those expressly contained in the Rule and constitutions, and that even under mortal sin, provided the matter is grievous and they intend to oblige under pain of mortal sin.

a) *Gravity of matter is required*; otherwise the superior could not impose a grave obligation without laying himself open to the charge of arbitrariness. All exercise of power must be orderly and reasonable. This is a postulate of prudence and justice. The matter of a command may be important in itself or in its circumstances, for instance, on account of the serious

<sup>1</sup>Trienekens, Op. cit., P. I. Cap. II., n. 24.

<sup>2</sup>Const. Gen., n. 708.

harm, spiritual or material, that will result from an act of disobedience.

b) *Also the intention of the commanding superior to oblige under mortal sin is required and generally indicated by these expressions or formulas: "In virtue of holy obedience"—"in the name of Our Lord Jesus Christ",—"under pain of mortal sin"—"under pain of excommunication, suspension, interdict", and the like.*

When the matter is not serious, all real commands of superiors, whether positive or negative, explicit or implicit, that is, implied from the circumstances, oblige under venial sin. Any act of disobedience, however, which proceeds from a formal contempt of authority, be the matter ever so trivial, is a grievous sin. Formal contempt of authority is hatred and scorn of authority as such, and hence a revolt against God Himself, the author and source of all authority. This explains why such a refusal of obedience is always a serious offence. "There is no power, but from God", says the Apostle. "Therefore he that resisteth the power, resisteth the ordinance of God. And they that resist, purchase to themselves damnation" (Rom. XIII, 1-2).

Formal contempt of authority must not be confounded with the so-called virtual contempt or natural dislike for the superior, for his peculiarities of temperament, or any other thing touching upon his personality, but not his authority. Such antipathies, though nothing grievous in themselves, may lead to serious breaches of reverence for legitimate authority, if they are not overcome, but allowed to develop into an evil habit of aversion for superiors and unjust criticism of their actions.

It often happens that superiors express their will to have something done or omitted without intending to impose any further obligation than that of accepting correction or punishment for acting contrariwise.



Any deliberate disregard of such orders, though not a sin in itself, is certainly a positive imperfection, that is, a wilful transgression or neglect of a good counsel, impelling us in God's name to do its bidding.<sup>1</sup> It is by such wishes and counsels be it remembered, that God daily, yes, hourly urges His religious to cut off more and more those many open and secret attachments to their own will and judgments and to see, love, and seek Him first in all things. Docility to these divine inspirations will greatly diminish our imperfections. Moreover, in order to forestall all temptation to make light of the simple wishes of superiors or of those points of the constitutions, which in themselves do not oblige under pain of sin, the religious should bear in mind that such wilful transgressions without a just cause, generally incur the guilt of venial sin. (So we are taught by the theologians). The theologians say that the venial sins in such cases come from an evil motive of pride, tepidity, passion, or some other inordinate affection.<sup>1</sup> Thus it would be a venial fault to break the rule of silence prescribed at certain times and in certain places through vain curiosity to learn some bit of news, and the like.

In cases of doubt, even of serious doubt, whether or not the command of our superior is licit; whether or not he is empowered to command under the given circumstances, we are obliged to obey; for the superior is in the rightful possession of authority, which cannot be disputed even in particular instances, unless these *prove to a certainty* that he has overstepped the limits of his powers. An inferior, it is true, may have recourse to higher authority, if the doubt, which he considers reasonable, persist; yet he must in conscience submit to the command, until the matter has been decided. Moreover, if religious were justified in refusing to obey their superiors, when in doubt about the

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<sup>1</sup>Trienekens, lib. cit., P. I., cap. II., n. 28 et nota (2).

licitness of their commands or the extent of their authority, what would become of religious discipline and the common life? Nothing but a total collapse.

84 Superiors are permitted to interpret the precepts of the Rule as not obliging under certain conditions. Such conditions are:

1. The need of some particular friar, who, for instance, on account of sickness is not obliged to say his Office, or who by reason of delicate health must wear shoes and more than the prescribed number and kind of garments.

2. The clash of different obligations. If, for instance, the burden of labor enjoined by obedience render a friar unable to fast, the superior may declare him exempt.

3. In a particular case and for a reasonable cause the non-observance of the precepts of the Rule and of the statutes of the Order may be prescribed by the superiors; for instance, if the superior sees that a cleric who is very scrupulous will suffer serious harm from the recitation of the breviary, he can forbid it even under obedience.

4. Also the liberties of the Rule, which may at times prove harmful to the Order or any particular friar, can be prohibited by the superior under obedience. Thus he may forbid a friar to observe the fast of benediction, if this would be injurious to his health.

Superiors are permitted to dispense from the rule as follows:

1. The major superiors, that is, the Ministers General and Provincial

- a) can dispense their subjects (like the local ordinaries) from the general laws of the Church and Order in cases in which the prescribed recourse to the Holy See is difficult and there is at the same time danger of serious harm in waiting for the papal dispensation.<sup>1</sup>

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<sup>1</sup>Can. 81.

b) They can dispense their subjects from the laws of the Church and consequently from the laws of the Order in a doubt concerning a particular fact (*dubium facti*).<sup>1</sup>

Note—In a doubt concerning the existence, force, extent, or cessation of a law (*dubium juris*), the law does not bind.

c) They can dispense their individual subjects or individual communities or houses for a just cause in exceptional cases from the observance of feast days, of abstinence, fast, or fast and abstinence.<sup>2</sup>

2. Local superiors can in particular cases and for a just cause dispense their subjects from the observance of feast days, of abstinence, fast, or from fast and abstinence.<sup>3</sup>

Note 1—Nowhere in Canon Law is the power of dispensing from the Divine Office granted to superiors.<sup>4</sup>

Note 2—In all cases of dispensation from the law, the dispensation ceases as soon as the cause ceases. The cause, however, must have ceased altogether and with certainty, because the dispensation is in possession. Moreover, if the cause continue to exist, the dispensation does not expire with the death of the superior, nor with his removal from office.<sup>5</sup>

It is well to remark here that something more than a mere external and mechanical performance of duty is required to render our works of obedience god-pleasing and virtuous, something more to make them an efficacious means of salvation and religious perfection according to the designs of our holy Founder. We must for love of God readily and generously make our judgment and will agree with the judgment and will of the superior. To pursue an opposite course is the folly of self-love. "Oh! how great", says St. Ignatius

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<sup>1</sup>Can. 15.

<sup>2</sup>Can. 1245.

<sup>3</sup>Can. 1245.

<sup>4</sup>Kazenberger, *Op. cit.* cap. X. Q. 3. Resp. 2. p. 228, n. 4.

<sup>5</sup>Can. 86,

of Loyola,<sup>1</sup> "is the error of those, who, in the blindness of self-love, fancy they are obedient, when by some means or other they have brought the superior to that which they desire". Long before St. Ignatius, our own Seraphic Father had declared complete submission to the will of the superior to be the only true obedience. And when urged by his brethren to give a more detailed description of perfect obedience he aptly compared the obedient man with a corpse, saying. "Take a dead body and place it anywhere you please. You will see it offers no resistance against being moved, it complains not against its position, it will not cry out if you let it go. If you seat it on a throne it will not look up or down, and to clothe it in purple but makes it more pale. Thus is the truly obedient man. He reasons not why he is sent; he minds not where he is placed, nor insists upon being sent elsewhere. If he be promoted to office, he still remains humble; the more he is honored, the more he counts himself unworthy".<sup>2</sup>

Such is the sublimity of obedience which Francis not only taught, but practiced. "It was his custom", as St. Bonaventure relates, "to promise obedience to the friar who went with him as his companion and to observe it. And on one occasion he said to his brethren: 'Among other graces which Divine Mercy has bestowed upon me is this, that I should render obedience to a novice of one hour, if he were appointed my guardian, with the same readiness as to the oldest and most experienced brother'".<sup>3</sup>

**TEXT:** "And wheresoever there are friars who know and feel that they are not able to observe the Rule spiritually, they ought to and can recur to their ministers".

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<sup>1</sup>Letters of St. Ignatius on Obedience.

<sup>2</sup>Thom. Celano II, n. 152—Also Cfr. "Ideals of St. Francis of Assisi", Ch. IX, pp. 191-192.

<sup>3</sup>Leg. Maj. Cap. VI. n. 4.

Our holy Father, in view of human frailty, foresaw, that some of his friars would eventually meet with grave hindrances in the observance of the Rule, such as could not be overcome in all cases by the visitations, admonitions and corrections of the superiors. Hence, in his constant solicitude for the maintenance of the Rule and the salvation of the brethren, he not only permits, but in the above text strictly commands those who labor under such difficulties, to have recourse to their ministers.

The literal sense of this precept is: If there are friars who know from experience and sound reason that in their place of holy obedience they are notably hindered on account of mortal sin or the proximate occasions to mortal sin from observing the Rule spiritually, i. e., rightly, or as they should; they are strictly obliged to refer the matter candidly to their ministers. The term "minister" in this precept as in the entire tenth chapter, is commonly understood to denote all superiors. Hence the right order of recourse requires, that a remedy be sought first from the local superior. If he is not able to remove the occasions of sin, the friars must appeal to their provincial, either personally, or by letter, which is now the more common and easy means of communicating. Those who have a justifiable reason for a personal interview are forbidden by the constitutions to leave the convent under the pretext of such a recourse without the superior's written permission.<sup>1</sup>

The precept in question, therefore, does not oblige in case of slight hindrances to the observance of the rule; for these can be obviated by the spirit of prayer and watchfulness. Much less does it concern those who honestly believe that in some other convent or

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<sup>1</sup>Const. Gen., n. 635.



field of labor they could observe the Rule with even greater purity and perfection.

We see, then, that impediments to the regular observance, which demand recourse to the ministers, must be *real* and *not imaginary*, *serious* and *not slight*; namely, such as arise from an *exterior cause*—from the unavoidable circumstances of the place or convent, or of the persons dwelling there. If, therefore, the occasions of sin are *voluntary*, due to the complaining friar's own *malice or negligence*, there is no other obligation for him but to amend his evil ways.<sup>1</sup>

**TEXT:** “But the ministers should receive them charitably and kindly and show so great familiarity towards them, that they may speak and act with them as masters with their servants, for thus it ought to be, that the ministers be the servants of all the friars”.

#### EXPLANATION.

86 This fatherly admonition serves as a continual reminder for the superiors to show such humble condescension to their inferiors, that these may recur to them in their trials with filial trust and courage. The Seraphic Father requests his ministers to receive the brethren “charitably”, i. e., with paternal affection; “kindly”, to the exclusion of all coldness and impatience in countenance, manner and speech, which only serves to repel and close the heart against any candid disclosure of one's difficulties. So great, indeed, should be their familiarity, or friendliness without show of authority, “that the brethren may speak and act towards them as masters towards their servants; for thus it ought to be, that the ministers be the servants of all the friars”. St. Bonaventure refers the superiors in this regard to the saying of the Divine Master: “He that is the greater among you, let him become as the

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<sup>1</sup>Trienekens, Lib. cit., Pars II., Cap. X., n. 137.—Regarding the right of appeal from a lower to a higher Superior see Const. Gen., n. 363.

younger; and he that is the leader, as he that serveth" (Luke XXII, 26). The Seraphic Doctor, however, is careful to add, that the subject should not take occasion from the humility of the ministers to become haughty and set aside all due respect for their authority; for the Master who said: "He that is the greater among you, let him become as the younger", never taught that the younger (the inferior) should be as the greater.<sup>1</sup> St. Francis himself protests against such a wrong inference in the following text of the rule:

**TEXT:** "I also admonish and exhort the friars in the Lord Jesus Christ that they beware of all pride, vain-glory, envy, covetousness, the cares and solitudes of this world, of detraction and murmuring".

#### EXPLANATION.

87        The vices here enumerated must be shunned by every christian, but St. Francis deemed it prudent to warn his friars in particular against them in the most emphatic manner, because they are directly opposed to our state of life, which is pre-eminently a state of humility, poverty and brotherly love.

In the first place we should "beware of all *pride* of heart, manners, speech, and of all pride in our works."<sup>2</sup> This capital vice is "the beginning of all sin", the corruptor of character and in consequence "hateful before God and men" (Eccli. X, 7, et 15). No room, therefore, for pride in one especially called to practice Franciscan simplicity and humility.

Vainglory is a daughter of pride. It craves for praise and recognition before men. Hence it must part company with the humble sons of St. Francis, whose motto is: "All honor and glory to God alone".

Another pernicious offspring of pride is green-

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<sup>1</sup>St. Bonav., Loc. cit., Cap. X., n. 5.

<sup>2</sup>Ibid. n. 6.

eyed envy, which becomes morosely sour, discontented, unhappy at the neighbor's good. "I am overshadowed by his excellence and advantages. He is everything, I am nothing". Such is the mournful language of that cynic, envy. Fraternal charity, therefore, cannot exist in a heart, that is tortured and torn with envy.

Avarice, as St. Bonaventure says, "is not only greed for earthly goods, not yet possessed, but also a holding fast to any kind of thing already acquired and in use".<sup>1</sup> Whether avarice have its greedy hand outstretched to receive without a scruple, or its hand tightly clinging to the little goods of earth, lawfully or unlawfully acquired; it is the very negation of true poverty and becomes doubly reprehensible in a Friar Minor, a follower of the highest poverty. As regards the cares and solitudes of this world, the Apostle writes to St. Timothy: "No man, being a soldier to God, entangleth himself with secular businesses; that he may please Him to whom he hath engaged himself" (II Tim., II, 4). The religious too are soldiers to God, knights of Christ, engaged in His holy service, and as such they should be animated with zeal for the spiritual welfare of the world, but not for its temporal concerns. And as to solicitude for the necessities of life, if we cast our care upon the Lord, He will sustain us (Ps. 54, 23), as our holy Father was wont to say to his first disciples.<sup>2</sup>

Finally, St. Francis warns us against detraction and murmuring, two deadly foes to fraternal charity, peace and concord. St. Bonaventure relates that "Francis abhorred detraction as a vice most hostile to the fountain of grace and piety; he compared it to the bite of a venomous and horrible serpent, accounting it to be most hateful to our good and gracious God, and affirming that detraction feeds upon the blood of souls, which it slays with the sword of the tongue.

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<sup>1</sup>S. Bonav. Op. cit. c. X. n. 6.

<sup>2</sup>Leg. Maj. S. Franc. c. III., 7.

He always judged that anyone who deprived his brother of his good name should be deprived of his habit, nor should he venture to raise his eyes to the Lord, until to the best of his power he endeavored to restore what he has robbed".<sup>1</sup> Also the vice of murmuring was detestable in the eyes of the holy man. "The religious who murmurs against his brethren or his superiors", he said, "what else does he but fill his own mother, the Order, with the bitter bile of his abusive criticism"?<sup>2</sup> Sad, indeed, are the effects of murmurs and criticisms. They destroy the spirit of harmony, obedience and confidence in one's superiors, and thus bring ruin upon a community.

**TEXT:** "And those who are ignorant of letters should not be anxious to learn, but strive above all things to have the spirit of the Lord and His holy operation, to pray always to Him with a pure heart".

#### EXPLANATION.

88        These words of the Rule are intended principally for the lay-brothers, whose vocation does not require study. They have been received into the Order to engage in the manual and domestic duties of our communities, such as Jesus performed in His most charming life of humility, obedience, prayer and labor at Nazareth. Most wisely, therefore, has our holy Father forbidden the brothers the study of letters, to repress, as St. Bonaventure teaches, all curiosity, i. e., all vain desires for a higher education to the detriment of their real vocation. "Let every man", says the Apostle. "abide in the same calling in which he was called" (1 Cor. VII, 20). Our constitutions forbid any lay-brother to pass over to the state of clerics even during the time of probation.<sup>3</sup>

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<sup>1</sup>Leg. Maj. S. Franc., c. VIII, n. 4.

<sup>2</sup>S. Franc. Collat. 18.

<sup>3</sup>Const. Gen., n. 112.

The aim of our brothers should be to advance in the science of the Saints, wherefore they are exhorted by St. Francis to "strive above all things to have the spirit of the Lord and His holy operation". The spirit of the Lord is devotion, which the Seraphic Doctor<sup>1</sup> calls "a pious and humble affection for God arising from compunction of heart". "The holy operation of the Lord", he says, "is the habit of prayer as inspired and taught by the Holy Spirit according to the teaching of St. Paul: 'The Spirit Himself asketh for us with unspeakable groanings' " (Rom. VIII, 26). St. Francis, then, admonishes the brothers "to pray always", as we are taught to do by the Lord and His Apostles, and "with a pure heart", free from sin and every inordinate affection. The purer the heart, the greater its aptitude and love for recollection, devotion and holy prayer.

This text of the Rule, though principally written for the lay-brothers, applies also to the clerics and priests, whose studies and service of God in the sacred ministry will be barren of spiritual results, unless they are daily watered with the spirit of prayer and devotion. When asked by his brethren, whether it seemed good to him that the friars apply themselves to the study of Holy Scripture, our holy Father replied: "Indeed it seems good to me, provided, however, that they do not omit the study of prayer after the example of Christ, who is said to have prayed more than He read" (studied). The same pious wish and exhortation is contained in his letter to St. Anthony of Padua, when he appointed him lector of Sacred Theology. The holy Doctor was exhorted to interpret the Scriptures in such a manner, as not to extinguish in himself or in others the spirit of prayer in accordance with the Rule which we profess.<sup>2</sup>

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<sup>1</sup>Exposit. sup. Reg., X., 9.

<sup>2</sup>Concerning the letter of St. Francis to St. Anthony, see "Writings of St. Francis" by Fr. Paschal Robinson, Appendix, pp. 180-181.



We may justly infer, then, that a Friar Minor must apply himself in a special manner to internal or mental prayer, not by virtue of a special precept, but according to the intention of our holy Father St. Francis and the tenor of the Rule. Wherefore the constitutions declare: "Among the divine offices must be reckoned mental prayer, than which we consider nothing more appropriate for inciting virtue, nothing more necessary for preserving and even for restoring religious discipline. Nor is he truly worthy of the name of religious, who does not foster the practice of holy prayer. Therefore all the friars shall devote themselves to mental prayer each day for at least one hour. This special obligation is not satisfied by processions or by the recitation of the Stations of the Blessed Sacrament or by any other work".<sup>1</sup>

Kerkhove says that especially the Franciscans, who have professed a most difficult Rule, are obliged to this prayer, since without it, morally speaking, they cannot attain to perfection, cannot overcome the most grave temptations arising against the observance of the Rule. "We see religious", he writes, "who are negligent in this respect, often transgressing most gravely and falling away from the perfection which is required".<sup>2</sup>

**TEXT:** "And to have humility, patience in persecution and in infirmity and to love those who persecute, reprehend, and blame us, because the Lord says: Love your enemies, and pray for them that persecute and calumniate you. Blessed are they that suffer persecution for justice' sake, for theirs is the Kingdom of Heaven. But he that shall persevere unto the end, he shall be saved".

#### EXPLANATION.

89            After inculcating the spirit of prayer and devo-

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<sup>1</sup>Const. Gen., nn. 186-187.

<sup>2</sup>Kerkhove, In Stat. Gen., C. 2., §4, n. 3.

tion, St. Francis calls attention to three other virtues of great importance for religious—humility, patience, and love of one's enemies. The first mentioned is humility, because the holy Fathers and spiritual writers declare it to be the root and foundation of the other virtues. Unless a Friar Minor is thoroughly penetrated with the conviction of his own nothingness and absolute dependence upon God for that which he is and has, and unless he holds himself in low esteem according to this conviction, there is no question of progress in perfection. Wherefore we should have nothing more at heart than the study and practice of christian humility, such as Christ and Francis taught by word and example.

If we are truly humble, we shall be patient "in persecution", i. e., in adversity which comes from without, as St. Bonaventure remarks, and "in infirmity", i. e., in adversity from within.<sup>1</sup> Both kinds of patience are necessary in order to control all unreasonable impulses of our lower nature, especially sadness, when confronted with the daily trials, exterior and interior, such as are common to all christians in this valley of tears, and such as are peculiar to our state of life. Let us, therefore, at all times be humbly and cheerfully patient, "that, doing the will of God", as St. Paul says, "we may receive the promise" (Heb., X, 36) of an eternal reward after a life of faithful service.

We learn from the exposition of the tenth chapter of the rule, that it contains two precepts, which oblige under mortal sin. They are: *first*: that the friars obey their ministers in all things which are not contrary to conscience and the Rule; *second*: that wherever there are friars who know and feel that they cannot observe the rule spiritually, they ought to and can have recourse to their ministers.

This chapter further calls attention to six impor-

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<sup>1</sup>St. Bonav. Expos. super Reg., cap. X., n. 10.

tant admonitions of the holy Father, to wit: *first*: that the ministers should visit their friars and should humbly admonish and charitably correct them; *second*: that the friars who are subject should bear in mind that, for God's sake, they have renounced their own will; *third*: that the ministers receive such friars as have recourse to them in regard to the spiritual observance of the rule, with becoming charity and benignity, etc.; *fourth*: that the friars beware of all pride, vain-glory, envy, avarice, care, and solicitude of this world, detraction and murmuring; *fifth*: that those who are ignorant of letters should not be anxious to learn; *sixth*: that they should strive above all things to have the spirit of the Lord and its holy operation, to pray to God always with a pure heart, and to have humility, patience in persecution and in sickness, etc.

## CHAPTER XI

### THAT THE FRIARS MUST NOT ENTER THE MONASTARIES OF NUNS.

By the *vow of chastity* the religious voluntarily renounces all carnal pleasures, not only those that are forbidden by the natural and divine law, but also such as are permitted by God in the marriage state. Hence the vow of chastity imposes upon all religious a two-fold obligation:

1) that of abstaining from all external and internal sins against the sixth and ninth commandments, such as deliberate unchaste thoughts, imaginations, desires, looks, words, deeds; etc.

2) the obligation to lead a life of celibacy, in other words, not to enter the marriage state.

There is no distinction admissable between the virtue and vow of chastity as there is between the virtue and vow of obedience and poverty. Each violation of the *virtue* of chastity, therefore, is also a sin of

sacrilege against the *vow* of chastity. Moreover, these sins are always grievous as far as the matter is concerned, for chastity does not admit of a small matter. Of course, there is no question of mortal sin, if the soul does not fully advert to the evil, or does not give its perfect consent. With poverty and obedience the case is different. A violation of poverty, for instance, may be ever so deliberate; yet, if the thing appropriated or used without permission were a trifle, the sin would be venial. Sins against chastity, however, are grievous whenever there is a perfect knowledge of and a full consent of the will to the gravity of the temptation.

As to the peculiar effects of religious chastity, the *solemn vow* renders a religious absolutely incapable of contracting any marriage. An attempted marriage despite the vow would be *null and void*. The simple vow of chastity, however, has not the power of invalidating a marriage-contract, but only of rendering it grievously unlawful. A religious under simple vows, therefore, cannot marry without committing a mortal sin of sacrilege against the life of celibacy, which he has vowed to God.

90 St. Francis knew the power and splendor of virginal chastity: how it subjects the lower nature in man to the higher; how it elevates, ennobles, spiritualizes his senses and transforms him into the likeness of angels. He knew also that no other virtue is so greatly exposed to concupiscence and the wiles of Satan as holy chastity. The religious state, of course, offers its votaries most efficacious means, such as prayer, meditation and works of penance, to keep the unclean spirit at bay. Francis, however, saw fit to impose upon his friars three additional means in the form of precepts binding under mortal sin, in order to ensure them against certain exterior dangers, which threaten their chastity often under the guise of virtue. He

would not have even the shadow of evil tarnish the vow and virtue of his friars.

**TEXT:** "I strictly command all the friars not to have suspicious intimacies or conferences with women."

#### EXPLANATION.

In the first and most important of these precepts our holy Father strictly commands all the friars not to have suspicious intimacies, or conferences with women. According to the more common opinion of the authors this prohibition does not concern dealings with women already forbidden by the divine law and the very nature of chastity, i. e., dealings that are either unchaste in themselves, or the near occasions of sins against chastity. Hence, the special object of the precept is—all intimacies and conferences with women, which are apt to cause just suspicion of unchasteness and scandal, even if they are not directly unchaste nor incentives to unchasteness in themselves.

But, what if such relations happen to be concealed from observation, so that no one could suspect evil and take scandal? The absence or presence of others, say the majority of authors, makes no difference, as long as such intimacies are in themselves apt to create suspicion. Moreover, "that which is believed to be hidden will not always remain unknown".<sup>1</sup>

91

And how may such suspicions and scandals from dealings with women arise? From various conditions and circumstances. The Seraphic Doctor, whose interpretation of our precept is followed by practically all authors, teaches that those intimacies and counsels with women justly create suspicion, which are made suspicious by the following circumstances: (1) *of the place*, supposing it to be lonely or dark; (2) *of time*, namely, if such familiarities happen at night, or at an hour of the day, when others are occupied; (3) *of the*

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<sup>1</sup>Trienekens, Op. cit., Pars II., cap. XI, n. 239.



*manner of conversation*; for instance, if a friar converses alone with a woman without any reasonable cause, especially for long periods of time; (4) *of gesture or action* by the touching of the hands, by unrestrained looks, inordinate laughter, frivolous words, too familiar jokes, etc.; (5) *of age and condition*, namely, if the woman is very young, beautiful, vain, or sentimental in her speech and manners; likewise if the friar is youthful in age or appearance, and given to levity or effeminacy.<sup>1</sup> (6) *Frequent meetings* and conversations with the same person are also sufficient to create suspicion, especially after the friar has been warned by his superior. Such is the opinion of Hugo de Dina, who says: "Anyone makes himself an object of suspicion, who, after being dissuaded, especially by a prelate (superior), does not avoid the association".<sup>2</sup>

Moreover, the expositors agree with Kazenberger "that suspicious dealings or correspondence with women may exist not only among *those present*, but also among *the absent* by means of letters" with regard to their contents, style, frequency, manner of their delivery, etc.<sup>3</sup>

In accordance with the spirit of the precept in question the constitutions "command each and every one" not only "to shun the company, familiarity and conversation of *women*", but also "*of men*, from which there may be a suspicion of evil, even though these conversations take place openly and with a good intention".<sup>3</sup>

Anyone acquainted with Holy Scripture, church-history, the weaknesses and malice of human nature, and the wiles of Satan, will admire the wisdom of the precept on familiarities with the other sex. There is no danger of offence in this matter, however, if we are

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<sup>1</sup>S. Bonav., Op. cit., cap. XI., n. 2.

<sup>2</sup>Kazenberger, Op. cit., chap. XI.

<sup>3</sup>Const. Gen., n. 636.

reasonably cautious and reserved in our manners, especially when conversing with women. May we always conduct ourselves in such a manner, as to edify and inspire reverence for our profession and our beloved Order. The divine Master gives His religious and priests in the person of the Apostles a special command to let the light of their good example shine before men, that they may see their good works and give glory to God.<sup>1</sup> A small breach of modesty in a priest or a religious is most likely to give greater offence than glaring faults in other christians. "If one who makes profession of the perfect life", says St. Basil, "is seen to depart a hair's breadth from the path of duty, all take immediate notice, and hold this up to him as an object of disgrace".<sup>2</sup>

Besides, we are closely watched by many argus-eyed revilers of Mother Church and her holy institutions; but the enemies stand confounded as long as her priests and religious are faithful to their vows and show forth the modesty of Christ in all their actions. "Who can hurt", says St. Peter, "if you be zealous of good" (1 Pet., III, 13).

**TEXT:** "And let none enter the monasteries of nuns except those to whom special permission has been granted by the Holy See".

#### EXPLANATION.

92

This formal precept binding under mortal sin was given by our holy Father as a further safeguard against the dangers and false suspicions, which might beset the chastity of the brethren from incautious dealings with nuns.<sup>3</sup> It was at first disputed, whether or not the prohibition concerned only the monasteries of Poor Clares, since they stood under the

<sup>1</sup>Cfr. Matt. V. 16.

<sup>2</sup>In Reg. Fusius Explic., Q. 22.

<sup>3</sup>Trienekens, Op. cit., P. II. C. XI. n. 243.

special care of the Holy See, until Nicholas III settled the doubt by declaring, that the precept applied in general to all monasteries of nuns.<sup>1</sup>

93

Since at the time of St. Francis there were none but solemn vows, all female religious commonly went by the name of nuns (*moniales*, *monachae*). According to the present ruling of the Church nuns are "religious women with solemn vows, or, unless it appears otherwise from the context, religious women whose vows are normally (*ex instituto*) solemn, but which by a disposition of the Holy See are simple in certain regions".<sup>2</sup> Owing to special circumstances such a disposition has been made with regard to the nuns of France, of Belgium (with few exceptions), and of the United States of America.<sup>3</sup> Though still recognized by the Church as regulars, i. e., as members of a religious order strictly so-called, these nuns are no longer permitted to make solemn profession, as their rule prescribes. Therefore we may now call all members of religious *orders* of women nuns, all members of religious *congregations* of women, whose constitutions permit only simple profession, sisters.

"By the name monastery", says Pope Nicholas III, "we wish to be understood the cloister, houses and inner apartments; with regard to the other places, where secular men visit, those friars may have access to them for the sake of preaching or of asking alms, to whom permission has been granted by their superiors on account of their age and fitness".<sup>4</sup> This definition of monasteries of nuns agrees substantially with what we now call the papal enclosure of regulars. According to Canon Law it "affects the whole house in-

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<sup>1</sup>Exiit, Art. 20, n. 2.

<sup>2</sup>Can. 488, 7.

<sup>3</sup>There are four Visitation convents in the U. S., which still admit members to the solemn vows and consequently observe the papal enclosure, namely, those of Georgetown, Mobile, St. Louis, and Baltimore (S. C. Ep. et Reg. in American votorum, 30 Sept. 1864). Cfr. "The Cloister", Chap. VI, p. 104, note 4., (by Fr. Valentine Schaaf, O. F. M., J. C. L.)

<sup>4</sup>Exiit, Art. XX, 2.

habited by the Regular community, including the orchards and gardens, the access to which shall be reserved to the religious; but excluding the public church with its sacristy, the guest-house, if there be one, and the parlor, which (parlor) should, as far as possible, be situated near the entrance of the house".<sup>1</sup> The whole house denotes the choir and private cells of the nuns, their refectory, kitchen, cellar, library, study and recreation room, and other inner apartments.

The papal enclosure is so intimately allied to the solemn vows in the eyes of the Church, especially since the Council of Trent, that she will not allow any religious community of women to make solemn profession, unless they can "live perpetually in inviolate enclosure".<sup>2</sup> Therefore, if we abstract from special concessions of the Holy See, all nuns, whose profession has been reduced to the simple vows, observe only the episcopal enclosure, which is less strict than the papal. Within the enclosure of nuns strictly papal no one, of whatever class, condition, sex or age, may be admitted without the permission of the Holy See, except those persons expressly mentioned in the Code.<sup>3</sup>

Moreover, the penalty of excommunication to be incurred *ipso facto* and reserved *simpliciter* to the Holy See is inflicted upon "those who violate said enclosure of the nuns, of whatever class, condition or sex they may be, by entering into their monasteries without lawful permission, likewise those who introduce or admit them. If they are clerics, they are furthermore to be suspended for a time to be determined by the ordinary according to the gravity of the guilt".<sup>4</sup>

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From the declaration of Nicholas III and Canon Law we may, then, lawfully conclude with all the expositors of the Rule, that the precept forbidding the friars to enter the monasteries of nuns refers only to

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<sup>1</sup>Can. 597, 2.

<sup>2</sup>Cfr. Fr. Valentine, op. cit., chap. VI, pp. 104-105.

<sup>3</sup>Can. 600.

<sup>4</sup>Can. 2342, 1.

religious women *with solemn vows*; for the Holy See has never used the term nuns otherwise with reference to the papal enclosure; and besides, as already mentioned, solemn vows, only, were known in the days of the early friars.

As regards the free access to any part of the house outside the enclosure, say, to the parlor, there to converse with the nuns on business or other matters, it is forbidden us neither by the letter of the Rule, nor by Pope Nicholas III; for he purposely distinguishes between entrance into and access to the monasteries of nuns.<sup>1</sup> Frequent visits of this kind, however, are not in accordance with the spirit of the precept, as we know from the behavior of our holy Father towards the Poor Ladies of St. Damian. "When the brethren", says Thomas of Celano, "sometimes wondered, why St. Francis did not more frequently visit such holy handmaids of Christ with his bodily presence, 'Think not, dear brethren', said he, 'that I love them not perfectly; but I am giving you an example, that as I am doing, you should also do. I will not that any of you should of his own accord offer to visit them; but I order that unwilling and most reluctant men, provided they be spiritual and approved by a long and worthy life, be appointed for their service'."<sup>2</sup> For this reason the constitutions which interpret the spirit of the Rule, forbid "any friar to go to the monastery of nuns or sisters under any pretext, and talk to the religious, unless permission has previously been obtained; which shall not be conceded without an approved cause".<sup>3</sup>

95 There is a clause in our precept which exempts those friars from its obligation "to whom special permission has been granted by the Holy See".

Among the persons permitted by Canon Law to

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<sup>1</sup>Trienekens, Op. cit., P. II. cap. XI, 245.

<sup>2</sup>Thom. of Cel., Sec. Life of St. Fr., ch. CLV, 205.

<sup>3</sup>Const. Gen., n. 638.



enter the enclosure of nuns are mentioned in the first place the local ordinary or the regular superior canonically visiting the monastery of nuns, or other visitors delegated by them—but only for the purpose of inspection, and on condition that they be accompanied by at least one cleric or male religious of mature age.<sup>1</sup>

Moreover, for the sake of the nuns who are ill or in danger of death the confessor or his substitute may enter the enclosure.—For further particulars see Appendix II.

**TEXT:** “Nor must they become sponsors of men or women, lest scandal arise on this account amongst or concerning the friars”.

#### EXPLANATION.

96

By this formal precept of the Rule the friars are forbidden under pain of mortal sin to act as godfathers in the Sacraments of Baptism and Confirmation, for the reason that scandal might ensue from the duties of sponsorship.

According to Canon Law the sponsors in the aforementioned Sacraments contract a spiritual relationship with their godchildren and thereby assume the obligation of caring for their spiritual education in default of the parents. The usual result will be a close bond of confidential friendship between the parties concerned. What good, however, can come to the friars from such familiar intercourse with seculars? Very little good, indeed, but much harm to their spiritual life in the form of useless visits, distractions from the essential duties of their state, possible jealousies, and the like. This source of scandal “amongst or concerning the friars” is obviated by the precept in question.

Since all religious (even the novices) are forbidden by the Church<sup>2</sup> to become sponsors in Baptism and

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<sup>1</sup>Can. 600.

<sup>2</sup>Can. 766,4; 796,3.

Confirmation, except in urgent cases with the express permission of the superior, Trienekens remarks that St. Francis merely adopted the ancient law of the Canons as one of his precepts without adding anything to their obligation.<sup>1</sup>

The contents of the eleventh chapter of the Rule are three precepts obliging under mortal sin, to wit: that the friars should have no suspicious intimacies or conferences with women; that they should not enter the monasteries of nuns; that they should not become sponsors of men or women.

## CHAPTER XII

### OF THOSE WHO GO AMONG THE SARACENS AND OTHER INFIDELS.

**TEXT:** "Whosoever of the friars by divine inspiration desire to go among the Saracens or other infidels must ask leave therefore from their Provincial Ministers".

#### EXPLANATION.

97

St. Francis taught the brethren that his beloved order could not engage in a work of christian charity more sublime and godpleasing than that of the apostolate among the infidels. "He believed", says Thomas of Celano, "that obedience to be supreme, and to have nothing of flesh and blood in it, whereby one goes by divine inspiration among the unbelievers, whether for one's neighbor's gain or from longing for martyrdom. And to ask for this 'obedience' he judged to be very acceptable to God".<sup>2</sup> Nothing daunted by his own fruitless attempts to save the benighted heathen and win the martyr's crown, the man of God relied for success in the foreign mission field upon his worthy

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<sup>1</sup>Trienekens, Op. cit., P. II., cap. XI, 253.

<sup>2</sup>Thom. a Celano, Second Life of St. Franc., Chap. CXII, n. 152,

disciples, whom he sent out in groups with his fatherly blessing to the land of the Moslems and other heathen countries.

As a continual reminder and encouragement for all future generations of friars to propagate the Catholic Faith after the example of the Apostles, Francis devoted a part of the twelfth chapter of the Rule to this cherished object of his heart.

Not every one, however, is qualified for so noble and arduous an enterprise of christian charity. Hence, Francis wisely requires in the first place that the aspirant for the foreign missions be divinely called: "Whosoever of the friars by divine inspiration desire to go". This call from heaven is made manifest by the supernatural motive, which actuates the missionary of God. No friar should dare believe that he has been thus inspired by the Lord, if his heart's desire is not the glory of God and the salvation of souls. Those who are incited to assume the office of a missionary through levity and inconstancy of mind, through discontent with their present surroundings, through vain curiosity and worldly ambition, through an evil desire to shake off the yoke of domestic obedience and regular discipline, are wanting in the first and foremost requirement for successful work among the heathens.'

However, as Thomas á Kempis remarks, "not every desire is of the Holy Ghost, though it seemeth to man right and good" (III, 15). Our blessed Father, therefore, requires that those who feel themselves divinely inspired to go among the infidels, "must ask leave from their Provincial Ministers". It is for them to "try the spirits if they be of God" (1 Jo. 4, 1), as, also, to pass judgment on the physical and moral fitness of the applicant for the missions, for the text continues:

**TEXT:** "But the Ministers must give permission to go to none except to those whom they see are fitted to be sent".

EXPLANATION.

98

St. Bonaventure considers those friars fit to be sent, who are of robust health (*robusti corpore*), firm in the faith (*constantes in fide*), of tried virtue (*probatum virtute*), and of a constant blameless life (*semper irreprehensibiliter conversati*).<sup>1</sup>

As to the first quality, though it is not necessary to have an ironclad constitution, which will withstand the wear and tear of every possible adversity, still the missionary should be sufficiently sound and vigorous to bear the more than ordinary hardships that fall to his lot.

Secondly, constancy in the Catholic Faith is required; which means, that the missionary should not only be well informed of his holy religion for the proper instruction of the ignorant neophyte, and for the defense of the Church against her enemies, but also have such a deep and abiding conviction of and love for the faith, as to be ready for its sake to make any sacrifice, even the supreme sacrifice of martyrdom, if the Lord so wishes.

Finally, it stands to reason that the missionary be a religious of tried virtue and of a blameless life, in order to serve as an example of the faith that he preaches. If a missionary undoes by his life what he professes with his mouth, he will be a scandal to the heathens, a hindrance to the spread of religion, instead of an advocate and promoter, and is in great danger of becoming a castaway.

No doubt, the Provincial is best suited to form a correct judgment on the fitness of an applicant for the missions: and, although the final decision rests with the Minister General; yet, to say the least, a friar

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<sup>1</sup>Expos. s. Reg., c. XII, n. 2.

would be running a great risk, if he insisted on being sent against the judgment of his Provincial.

Since the Minister General must rely upon the accurate report of the Ministers Provincial regarding the candidates for the missions, the latter are admonished by the constitutions to "disregard every human consideration in this important matter, and to give truthful information, bearing in mind the judgment of God to whom they are to render an account for the good they have not promoted, or the evil they have not prevented, because of their false and ambiguous information".<sup>1</sup>

**TEXT:** "And this, moreover, I enjoin on the ministers, by obedience, that they ask of the Lord Pope one of the Cardinals of the Holy Roman Church to be governor, protector, and corrector of this fraternity, that always subject and submissive at the feet of the same holy Church, firm in the Catholic faith, we may observe the poverty and humility and the holy Gospel of our Lord Jesus Christ, which we have firmly promised".

#### EXPLANATION.

- 99 St. Francis richly deserves the title accorded him in the office of his feast: "vir catholicus et totus apostolicus", a man wholly catholic and apostolic. We have just considered his zeal for the propagation of the faith after the manner of the Apostles. And as to his catholicity, he took anxious care to secure the approval of his Order and Rule by the Holy See: "for without the Pope's consent and approval", he said to his little band of followers, "it seems to me nothing can be stable or good in matters of faith or religious life. Let us go, then, to our Mother, the holy Roman Church. Let us make known to the Pope what our Lord has begun to do for us. We will then continue

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<sup>1</sup>Const. Gen., n. 650. Cfr. also Statuta pro Missionibus, O. F. M., c. V., De Missionariis,



our work according to his will and his commands".<sup>1</sup> It is not surprising, then, that in the beginning of the Rule Francis promises obedience and reverence to the Lord Pope Honorius and his successors; that he requires of the Ministers Provincial to carefully examine all candidates for the Order on the Catholic faith and the Sacraments of the Church. And now, in the concluding words of the same Rule he commands the ministers under holy obedience to "ask of the Sovereign Pontiff one of the Cardinals of the Holy Roman Church, "to be governor, protector, and reformer of this fraternity". And for what reason? To link the Order more closely to the Holy See in loyal faith and humble obedience and exact observance of regular discipline. We have this from his own lips: "that being always subject and submissive at the feet of the same holy Church"—a safeguard against schism—"and steadfast in the Catholic faith"—a further safeguard against heresy—"we may observe the poverty and humility of our Lord, Jesus Christ, and the holy Gospel which we have firmly promised"—a security against relaxation of discipline.

100

The grave obligation of asking the Holy See for a Cardinal Protector is one that primarily concerns the Minister General. If he fails in his duty, it devolves on the Ministers Provincial according to the letter of the precept: "I command the ministers under obedience".

It is generally conceded that St. Francis was the first founder and superior general of a religious institute to ask for a Cardinal Protector. His example was followed by others, till eventually the custom became universal, for now-a-days a Cardinal Protector is appointed for practically every religious order and not a few congregations.

There was a time, when the Cardinal Protector

enjoyed a power of jurisdiction over our Order (and other religious institutes) second only to that of the Pope, so that the friars could appeal from the Minister General to him as to their supreme father and judge. In the course of time, however, their authority was variously curtailed, until Innocent XII by a special constitution<sup>1</sup> reduced it to a mere dignity and power of counsel and patronage. His constitution in substance has been embodied in the present Code of Canon Law, which rules that "the Cardinal Protector of any religious body (except in peculiar cases it be otherwise expressly provided for) does not enjoy any jurisdiction either over the institute or over its individual members; he cannot interfere with internal discipline or the administration of their property; his only office is to promote the good of the religious body by his counsel and patronage".<sup>2</sup>

Although the Cardinal Protector no longer exercises the power of jurisdiction over the Order, still it is a great blessing to have a prince of the Church as our special friend, protector, counsellor, and mediator with the Holy See. For this reason all the friars are admonished by the constitutions to "venerate his person, dignity and office", and the Order is told "to cast its care with confidence on his patronage, so that it may be preserved and increased quietly and peacefully and defended from the assaults and molestations of others".<sup>3</sup>

### CONCLUDING WORDS OF THE BULL OF HONORIUS III.

The entire text of the seraphic Rule, as we have seen, is wholly embodied in the Bull of Honorius III, who deigned to give it his formal approval. He concludes the Bull of confirmation with the following

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<sup>1</sup>Const. "Christi fidelium", 17 Feb., 1694.

<sup>2</sup>Can. 499, §2.

<sup>3</sup>Const. Gen., n. 700.

words of warning against all audacious opponents of the Rule:

**“To no one therefore be it allowed to infringe on this page of our confirmation or to oppose it with rash temerity. But if any one shall have presumed to attempt this, let it be known to him that he will incur the indignation of Almighty God and of His holy Apostles Peter and Paul.**

**Given at the Lateran, on the 29th day of November, in the 8th year of Our Pontificate”<sup>1</sup>**

We conclude this our brief explanation of the Rule with the

### **BLESSING OF OUR HOLY FATHER ST. FRANCIS.**

And whoever shall observe these things may he be filled in heaven with the blessing of the Most High celestial Father and may he be filled on earth with the blessing of His beloved Son, together with the Holy Ghost, the Paraclete, and all the Powers of heaven and all the saints. And, I, Brother Francis, your little one and servant, in so far as I am able, confirm to you within and without this most holy blessing. Amen.

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11. e., in the year of our Lord 1223.

## APPENDIX I.

### The Apostolic Syndic.

The Friars Minor are by their vow incapable of ownership and legal rights concerning temporal things, both as a corporate body and individually; moreover, by the precept of the fourth chapter they may not receive money. Therefore, the Supreme Pontiffs have assumed to themselves, the ownership of all movable and immovable things which have been granted for the use of the friars and which the donors have not reserved to themselves; in particular, the ownership of money-offerings, which have been lawfully made for the needs of the friars. In order, therefore, that provision might be made concerning these temporal things also before civil law and that these moneys might be spent in a manner lawful for the friars, the Sovereign Pontiffs have appointed substitutes, called Apostolic Syndics, to whom they have given various powers necessary to carry out the aforesaid duties in the proper manner. Thus the observance of the Rule remains intact and at the same time provision is made for the temporal needs of the friars.

From this the declaration of Pope Innocent XI in his decree "Sollicitudo" is clear, that the use of an Apostolic Syndic "is not a dispensation from the Rule, but rather a means provided by the Roman Pontiffs for its more pure observance".

The complete account of the Apostolic Syndic's appointment and duties is given in the General Constitutions.<sup>1</sup>

## APPENDIX II.

### Concerning Those Permitted to Enter Monasteries Of Nuns.<sup>1</sup>

1. According to a decree of the Sacred Congregation for Religious (Feb. 6th, 1924) the companion (of

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<sup>1</sup>See Const. Gen., 237 et seqq.

the visitor) should not depart from the visitor's side during the whole time of their stay in the cloister. As to the personal visitation, it must take place outside the enclosure at the grating. Nor is the ordinary or the regular superior or visitor apart from the actual visitation permitted to enter the cloister in virtue of his office. It is expressly forbidden to enter for the examination to be held before the clothing and both professions by the ordinary of the place or his delegate, and for the election of the abbess; also for the sake of presiding at the clothing or profession, whether it be the bishop or another priest. All this must be conducted outside the strict enclosure.<sup>2</sup>

The Ordinary here mentioned is the bishop empowered (by Can. 512, §1, n. 1) to conduct the canonical visitation of all those monasteries of nuns within his diocese, that are immediately subject to him or to the Holy See. The regular superiors are the major superiors of religious orders, who have the same right and obligation as said bishop with regard to the nuns under their jurisdiction.<sup>3</sup>

Under these conditions, then, the Minister General or any friar delegated by him as Visitor General may enter the papal enclosure of all nuns subject to the Order, for the purpose of conducting the local visitation. The provincials or their delegates have the same permission within the limits of their respective provinces. The visitors may take along two friars as companions.<sup>4</sup> Also any friar delegated by the bishop for his visitation or requested by him to act as companion is permitted to enter the enclosure.

2. Moreover, Mother Church will also let down the barriers of the enclosure for the sake of the nuns who are ill or in danger of death, to afford them the

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<sup>1</sup>Can. 600, 1.

<sup>2</sup>Instructio de clausura Monial. votor. Solemn. ex Act. Ap. Sed. Vol. XVI, p. 96, III. 2<sup>a</sup>, e).

<sup>3</sup>Cfr. Valentine Schaaf, O. F. M., Op. cit., Can. 600, N. I. pp. 109-116.

<sup>4</sup>Const. Gen., n. 647 (Can. 600)—Cfr. also Vermeersch, S. J., Epitome



full benefit of their holy religion. "The confessor or his substitute", she says, "can, with due precautions, enter the enclosure to administer the sacraments to the sick or to assist the dying".<sup>1</sup> All friars, therefore, who are the confessors of these nuns, as well as their substitutes, partake of this privilege. The substitute is not only the father appointed to take the regular confessor's place in case of his absence, illness, and the like, but, in a wider sense, any duly authorized confessor of men and women, who has been summoned by the sick nun for spiritual advice, or to hear her confession. In danger of her death the privilege extends even to those priests who otherwise have no faculties to hear confessions, but only when they are called. In such emergencies they may also administer the sacrament of Penance, and in the absence of the ordinary confessor, the Viaticum and Extreme Unction.<sup>2</sup>

The "due precautions" required by Canon Law of the confessor or his substitute are defined by a decree of the Sacred Congregation for Religious (6 Feb., 1924): "Two nuns should accompany the confessor to the cell of the sick one and wait for him there at the open door of the cell while he is hearing her confession, so that on his return they can accompany him again to the door of the monastery" (i. e., the enclosure).<sup>3</sup>

As regards the communions of devotion for the sick nuns we read in the same decree that "in default of the confessor or the chaplain, another priest, also a regular, although without a companion, may, when legitimately called with the permission of the bishop, bring holy communion to the sick religious, who are not able to come down to the communion-window (*ad crates ecclesiae*). The bishop, moreover, may habit-

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Jur. Can., Tom. I., Lib. II., n. 608, III, 3, a.

<sup>1</sup>Can. 600, 2.

<sup>2</sup>Fr. Valentine, *Op. cit.*, Can. 600, n. 2., pp. 117-119.

<sup>3</sup>Instr. de Clausura Mon. *Vot. Sol.* III, 20, i. ex Act. Ap. Sed. Vol. XVI. p. 99.

ually authorize the abbess or superioress to grant such a permission in his name. It behooves, however, that four religious women of mature age, if it is possible, accompany the priest from the time of his entrance into the enclosure until his departure. He must carry the ciborium containing consecrated hosts, administer Holy Communion, return to the church, and repose the ciborium, observing the rubrics prescribed for the communion of the sick".<sup>1</sup>

Such in substance is the nature of the decree. Whenever the confessor or the chaplain, therefore, is not at hand, the superioress thus empowered to act may simply ask the celebrant of the Mass to administer communion to the sick nuns within the cloister.

### APPENDIX III.

Following is the beautiful paraphrase of the Our Father composed by St. Francis, which we offer especially for the benefit of the lay-brothers.

*Our Father*, most holy, our Creator, Redeemer, and Comfortor.

*Who art in heaven*, in the angels and in the saints, illuminating them unto knowledge, for Thou, O Lord, art light, inflaming them unto love; dwelling in them and filling them with blessedness, for Thou O Lord, art the highest Good, the eternal Good, from whom is all good and without whom is no good.

*Hallowed be Thy name*: may Thy knowledge shine in us that we may know the breath of Thy benefits, the length of Thy promises, the height of Thy majesty, and the depth of Thy judgments.

*Thy kingdom come*, that Thou mayest reign in us by grace and mayest make us come to Thy kingdom, where there is the clear vision of Thee, the blessed company of Thee, the eternal enjoyment of Thee.

*Thy will be done on earth as it is in Heaven*: that

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<sup>1</sup>Instr. de Clausura Mon. Vot. Sol. III, 20, h. et S. C. de Rel. 1 Sept. 1912 ex Act. Ap. Sed., Vol. IV. 625-626.

we may love Thee with the whole heart by thinking of Thee, with the whole soul by always desiring Thee, with the whole mind by directing our intentions to Thee and seeking Thy honor in all things, with all our strength by spending all powers of body and soul in the service of Thy love and not in anything else; and that we may love our neighbors even as ourselves, drawing to the best of our power all to Thy love, rejoicing in the good of others as in our own, and compassionating with them in troubles and giving offence to no one.

*Give us this day*, through memory and understanding and reverence for the love which He had for us and for those things which He said, did and suffered for us—*our daily bread*, Thy beloved Son, Our Lord Jesus Christ.

*And forgive us our trespasses*, by Thy ineffable mercy in virtue of the passion of Thy beloved Son, Our Lord Jesus Christ, and through the merits and intercession of the most blessed Virgin Mary and of all Thy elect.

*As we forgive those who trespass against us*, and what we do not fully forgive, do Thou, O Lord, make us fully forgive, that for Thy sake we may truly love our enemies and devoutly intercede for them with Thee, that we may render no evil for evil, but in Thee may strive to do good to all.

*And lead us not into temptation*, hidden or visible, sudden or continuous.

*But deliver us from evil*, past, present, and to come. *Amen.*<sup>1</sup>

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<sup>1</sup>See Ideals of St. Francis by Hilarin Felder, O. M. Cap. Chap. XVIII, pp. 403-405 and corresponding notes.

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